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No. 63

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. STEARNS].

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 14, 1997.

I hereby designate the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that You have surrounded us with family and colleagues who support us and encourage us. We are also aware that we are encompassed about with our communities from all over this land. O gracious God, from whom we receive our strength and to whom we belong, remind us every day that we do not live or serve alone nor do we have the abilities to run only our course, but are dependent upon others to truly know ourselves and to be Your faithful people. May we be ready to assist those about us just as they sustain us in our concerns. So be with us in our work, and may Your blessings be upon us and all Your people, now and evermore. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey [Mr. MENENDEZ] come forward and lead the House in the Pledge of Allegiance.

Mr. MENENDEZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

### TRIBUTE TO THE LATE UNIVERSITY OF NEBRASKA FOOTBALL COACH AND ATHLETIC DIRECTOR, BOB DEVANEY

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, last Friday, Nebraska lost one of its finest. Former University of Nebraska football coach and athletic director Bob Devaney passed away, but not before leaving a legacy that will never be forgotten in the Cornhusker State and in the rank and file of college football.

Anyone familiar with college football knows the outstanding accomplishments that Coach Devaney achieved. He took an average college football program and led the Cornhuskers to back-to-back national titles in 1970 and 1971.

Bob Devaney not only ushered in a new era of college football, he brought Nebraskans together and gave our great State a team and an institution to be proud of.

Most of all, Coach Devaney put life in perspective.

In 1965, Devaney told fans before a game that there are 800 million people in China who could care less if Nebraska won or lost because there are bigger things in life than whether your team wins or loses.

Coach Devaney taught sportsmanship and unity, lessons from which we all can learn.

So, Mr. Speaker, as Coach Bob Devaney is laid to rest this afternoon, I think that I can speak for all Nebraskans and all college football fans across this country alike when I say, "Coach, thanks for the memories."

### IRISH DEPORTEES

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise today on behalf of Noel Gaynor, his family, and six other families on whom injustice has fallen across the ocean from Ireland to America.

The Irish political deportees, as they are referred to, left Ireland to restart their lives in America. Today they are engaged in a different struggle with the U.S. Department of Justice which relentlessly seeks to deport them for their political beliefs. Each man is married to an American citizen or permanent resident.

These men are not wanted by anyone. They were prosecuted for political reasons in the British Diplock Courts. That means one British judge, no jury, confessions which were extracted under torture and duress, and as such, they were sentenced and held with a special political status, a direct acknowledgment of their status as British political prisoners.

All of them have proven through years of residence their commitment to their families, communities, and indeed to the American dream.

This is a photo of Sinead Gaynor holding a sign at a demonstration

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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which says "Don't Deport My Daddy." She and the other nine American children are the reason we are here today. Sinead deserves the same opportunity to live in America and realize her dream as any other child. These people should not be deported.

#### NEWLY ASSUMED POLICE POWERS BRUCE BABBITT AND THE BU- REAU OF LAND MANAGEMENT ALLEGE TO POSSESS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I would like to discuss the newly assumed police powers Bruce Babbitt and the Bureau of Land Management allege to possess. Although the BLM claims these regulations are merely a recodification of the current regulations and do not result in the creation of new authority, this is simply not the case. The proposed law enforcement regulations are an attempt to vastly, and in most cases unlawfully, expand BLM's law enforcement authority.

The Constitution of the United States guarantees proper notice describing those actions which may subject its citizens to criminal punishment. However, in this case, BLM has criminalized thousands of minor violations of Federal, State, and local rules that previously were not criminal. The proposed regulations' vague references to any law or ordinance are not constitutionally sufficient, thus making the proposed regulations unlawful and, indeed, unconstitutional.

Tomorrow, Mr. Speaker, the Subcommittee on National Parks and Public Lands of the Committee on Resources will bring BLM and the Department of the Interior before our committee and the American people to explain their new regulations, which have begun to put a stranglehold on the western part of this country. To that extent, we may never recover.

#### LET US FEED OUR CHILDREN AND EDUCATE THEM

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, last night the majority Republicans made a wise decision in including full funding for the WIC programs. They threatened originally to cut the President's \$76 million request for additional fiscal year 1997 funds in half, which would have forced 180,000 women, infants, and children to be kicked off of the nutrition program.

I join a lot of my colleagues today in breathing a sigh of relief now, although we hear that WIC has been replaced by education cuts.

Under their new proposals there are several red flags. Under this Republican proposal, 86,000 children will be

cut from Head Start, 360,000 fewer students would be eligible for Pell grants for college or job training, and nearly 500,000 fewer children would have teachers to help them with basic math and reading skills.

Congress has enacted a safeguard for our country's pregnant women and infants and children by not removing them from the WIC rolls. Now let us make sure they can also educate our children. Let us not only feed our children, but let us educate them.

#### CONDEMNING THE JUSTICE DE- PARTMENT'S EFFORTS TO DE- PORT IRISH-AMERICAN FAMILIES

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING. Mr. Speaker, I rise today to denounce the outrageous decision by the Justice Department to deport Irish nationals from this country. As my friend, the gentleman from New Jersey [Mr. MENENDEZ] has said, we are talking about 10 men and women who have lived in this country a number of years, who have never violated any laws of the United States, who are legally in the United States, who are married either to American citizens or foreign-born residents of this country.

The fact is these men are outstanding members of this community. They have raised their children who go to our schools, they have raised families, they have worked hard, they have contributed to this country. Yet, in a mean-spirited action, the Justice Department is moving to deport them. Their only crime is they were politically convicted in nonjury political courts in Britain years ago. They were political prisoners. They entered this country legally. Now, for no reason whatsoever, our Justice Department is moving to deport them.

The gentleman from New York [Mr. GILMAN] and I had the opportunity to testify for one of these men, Brian Pearson. At his trial the judge found that he was entitled to status in this country, and refused to deport him. Yet the Justice Department has decided to appeal that decision, in direct violation of President Clinton's campaign pledge that there would be no more Joe Doherty's. This is another Joe Doherty. The decision is wrong, it is outrageous, and I condemn it.

#### CONGRESS SHOULD TAKE A LOOK AT CHINA, THE NEXT MAJOR NA- TIONAL SECURITY THREAT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China violates American trade laws, China threatens to nuke their neighbors, China sells nuclear weapons to our enemies, China tries to influence American elections, and to boot, there is no

political freedom in China. There is no religious freedom in China. Let us not forget China is still a Communist dictatorship.

Mr. Speaker, if that is not enough to compromise your samurai, there is a group of Washington politicians who want to reward China with permanent, that is right, permanent most-favored-nation trade status. Beam me up.

I say there should be some permanent brain surgery for these permanent politicians performed by some permanent proctologist; permanent this, China. Congress had better take a look at the next major national security threat that is a dragon about ready to eat our assets.

#### A SALUTE TO CHRIS ALLEN, MAK- ING A DIFFERENCE IN THE LIVES OF CHILDREN

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, how do you follow that?

Mr. Speaker, I, too, rise today to commend and salute one man in Chattanooga, TN, who is making a huge difference in the life of children. His name is Chris Allen. He is a reporter with WDEF Channel 12 in Chattanooga, but he is being recognized this month by the President of the United States as one of 28 citationists of over 3,600 nominated from the Points of Light Foundation.

Chris, several years ago, was on a routine mission studying the inner city schools in Chattanooga and found that the library books were not on the shelves, that the materials were not in the classrooms, and he began an organization that has now helped over 11,000 children and raised over \$500,000 to help the inner city schools in Chattanooga, TN.

Chris Allen deserves this recognition. He deserves for the House of Representatives today to recognize him, which I do at this time. We commend you, Chris Allen. One man can make a difference.

#### URGING AN END TO DEPORTATION PROCEEDINGS FOR SEVEN IRISH NATIONALS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I join with my colleagues in support of the seven Irish nationals residing in the United States who are currently facing deportation by the Immigration and Naturalization Service.

While these individual cases and backgrounds may be different, they do share a number of important similarities. These seven Irishmen were convicted in British courts, with no juries. They have served their time and they are not wanted for any crime

anywhere. They are now productive, law-abiding members of their communities, and most importantly, they pose no threat to anyone.

Mr. Speaker, I have met personally with the Gaynors, the Morrisons, the Pearsons, the Megaheys, the McErleans, the Crossans and the Caufields, and they have told me what this decision will mean if they are deported at this time.

The election of Tony Blair as Prime Minister of Britain has restored a sense of hope on both sides of the Atlantic that a just and lasting peace can finally be achieved in the north of Ireland. I urge the administration to give these seven Irish-American families renewed hope today by ending these foolish deportation proceedings and allow them to live their lives out in peace and tranquility as American citizen.

#### THE ADMINISTRATION MISSES AN OPPORTUNITY TO HELP PROVIDE LASTING PEACE AND JUSTICE FOR NORTHERN IRELAND

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, the President and his Immigration and Naturalization Service have missed an important opportunity to help in our efforts to provide lasting peace and justice for Northern Ireland.

Brian Pearson, an Irish nationalist who lives in Rockland County, NY, in my district, with his American wife and child, faces continued INS deportation proceedings. Despite an immigration judge's extensive findings that Brian Pearson is no threat to our Nation's security, and which granted him political asylum and permanent resident status, and despite extensive public support for not pursuing an appeal, the INS has gone forward in the appeal process.

I have raised Brian's possible deportation with the President, with the Secretary of State, and asked to use Brian's case to begin the reconciliation and healing that Northern Ireland needs so badly today. During the recent 18-month cease-fire the prior conservative British Government missed the opportunity to use the cases of both nationalists as well as loyalist prisoners to help build confidence, reconciliation, and greater healing to underline and build support for lasting peace.

I urge the administration to stop this appeal process.

□ 1015

#### ON BEHALF OF DEPORTEES

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Mr. Speaker, I am here today to talk about the Irish deportees. I come from the

great State of New York. We have the Statue of Liberty in front of us. That Statue of Liberty is there because we take immigrants here. We have people that are living in this country and now we are trying to take them out of the country.

I am sorry, Mr. Speaker. We are here to protect the families of these Irish-American families. I am sorry, sir. We have to protect the wives and children. If we do not take a stand now, how often will it happen?

That is what is great about this country. We stand up for those things that we believe in. Mr. Speaker, please. Mr. President, hopefully you will listen to our voices. Let these people stay here in peace. They are part of us. We are part of them.

#### TAX ON CAPITAL GAINS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, I often get asked the question, are cuts in the tax on capital gains a tax break for the rich? Actually, it is a very interesting question. But the answer would reveal little more than the fact that the rich have, well, more money than the nonrich. But it is a fair question nonetheless.

Who benefits the most from a tax cut on capital gains, the rich or the middle class? The answer is, it depends on how we measure it. If we measure by value, then, yes, most of the gains go to upper income people because upper income people have more money to invest. So that is not saying very much. But if we measure by the number of people who own a capital asset, we may be surprised to know that according to the Internal Revenue Service, the vast majority of taxpayers claiming capital gains are 77 percent.

They have adjusted gross incomes of less than \$75,000 a year. I repeat this surprising fact. According to the IRS, 77 percent of those claiming a capital gain on their tax returns have incomes less than \$75,000 a year.

It produces jobs, Mr. Speaker. That is why we need it.

#### NOEL GAYNOR

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, I rise today to bring this House's attention to a matter of concern to all Americans.

A little over 7 years ago, Noel Gaynor legally emigrated from his native Northern Ireland to the United States in hopes of putting his past behind him and beginning a new life. Mr. Gaynor settled in my district in Bloomfield, NJ, and since his arrival has been nothing but a model citizen and part of the community, a diligent and hard-working union laborer. He is highly regarded for both his work and

his character. Mr. Speaker, he is my neighbor.

More importantly, Mr. Gaynor has married a wonderful wife, Colleen, two beautiful young daughters. He has established a life here in the United States. This is all in jeopardy because the INS now seeks to tear Mr. Gaynor away from his home.

Mr. Speaker, he is my neighbor. Uprooting Mr. Gaynor from his life here and deporting him would not only destroy his life but the life of his wife and his children.

Mr. Speaker, Noel Gaynor is our neighbor.

#### ON THE BUDGET

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, New Jersey is moving forward again. As a former chairman of New Jersey's Assembly Appropriations Committee, I was one of those chiefly responsible for passing Gov. Christie Todd Whitman's economic plan in 1993.

Let me tell my colleagues, we heard a lot of doomsday predictions back then. So I know that it is sometimes tough to be bold. But we passed tax cuts. We passed spending reductions and we passed a balanced budget. And New Jersey is stronger today because of those victories. We have seen more jobs, a growing economy, and a better quality of life in our State.

Mr. Speaker, it is time to be bold for the American people. We can do that by passing our own balanced budget plan. Our historic agreement invests in education, the environment and protects important priorities like Social Security and Medicare.

Better yet, it cuts taxes, creates jobs and will keep our economy growing for the future. But best of all, our budget builds a stronger America for our children by actually balancing the budget once and for all.

Mr. Speaker, we owe it to our children to be bold once again.

#### PROVIDE WIC WITH THE MONEY TO FEED WOMEN AND CHILDREN

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, I rise today to add my voice to those who are saying it is about time, time that it was recognized that we cannot neglect the hungry, that we cannot deny nutrition to women, infants and children.

The decision to provide more money for WIC was a step in the right direction. The special supplemental nutrition program for women, infants and children faced a shortage that had to be made up. Tens of thousands of needy mothers and babies would have gone without proper food if changes were not made to the supplemental appropriations.

The U.S. Department of Agriculture has estimated that \$76 million more is needed to see that the WIC program through the end of the fiscal year is appropriated. Otherwise, the WIC rolls would be cut by as many as 360,000 participants.

WIC improves diet. It reduces low birth weight. It reduces infant mortality. The program works. It delivers on its promises.

I am glad that we have been able to deliver on ours. I want to thank my colleagues who worked so diligently in succeeding in getting that job done.

#### IN SUPPORT OF TAX CUTS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, the average American today pays about 40 percent of his or her income in taxes when we count taxes of all types, Federal, State and local. Then the average person pays another 10 percent in regulatory costs passed on to them in the form of higher prices. This is why today the average family has one spouse working for the government and one spouse working for the family. Many people do not realize how much they are paying, about half of their income going to support the government.

Today we are proposing in our budget an \$85 billion tax cut. Some people have implied that this tax cut is just too much, yet this cut is spread over a 7-year period. During that time period, this amounts to a tax cut of less than 1 percent per year. I know we can afford this. The Federal Government wastes far more than 1 percent each year.

I urge my colleagues to support this very needed tax relief for the families of America, a large part of which is a \$500 per child tax credit. Let us support the families of America instead of wasting more through our Federal bureaucracy.

#### THREAT OF DEPORTATION

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise today to discuss an issue that is affecting many of my constituents on a very personal level. A number of Irish nationals living in my district in New York and elsewhere have been unfairly targeted for deportation. Many of my colleagues and I have sent letters to President Clinton, Attorney General Reno and other United States and British officials raising this issue and calling for justice for these members of our community.

Most of the individuals who are facing deportation have established their lives here. They are married to American citizens, have American children and have been productive members of their communities for many years.

The threat of deportation has taken an enormous emotional and financial toll on these families every day. They wake up to the possibility that the lives they have worked so hard for will be shattered by deportation. We must demand that these families are treated fairly. They deserve at least that much.

#### AGAINST DEPORTATION

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I rise in strong support of my colleague from New York, Mrs. LOWEY, and other Members and as chairman of the Friends of Ireland to speak out strongly against the Justice Department's decision to appeal the decision of a court and to attempt to deport a citizen of the United States currently back to Northern Ireland. These men, and there are a number of them, served time in prison in Northern Ireland. Many of them are trumped-up charges and very questionable judicial processes.

They came to the United States, married, raised their kids and have become excellent and productive citizens of the country. Now they may be forced to return and, if they do, they are marked men in Northern Ireland. It would be wrong to send them back where they and their families would be subjected, again, to possible injustice and physical harm.

Mr. Speaker, I ask that my colleagues join me in expressing their dissent from the Justice Department.

#### GENERAL LEAVE

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my 1 minute.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from New York?

There was no objection.

#### MESSAGE TO THE INS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I rise this morning on behalf of Brian Pearson. For the last 9 years Brian has lived in Pearl River, NY, in Rockland County working construction, being a loyal husband, raising a daughter, paying his taxes and taking part in his community.

In short, Brian Pearson has lived the American dream. And now the INS wants to snatch that dream from Brian and his family. Why? Because Brian was a political prisoner two decades ago. Yes, a political prisoner. And

those are not my words. Those are the words of the British Government, the same British Government that convicted him in a kangaroo court with no injury. Brian Pearson paid his debt to the British Government. Brian Pearson is no threat to us. In fact, Brian Pearson makes Pearl River a better town, New York a better State, and America a better country. Do not trust my words on this. Trust the words of Mary Gill and Kathleen Conway and Cornelius Buckey, his friends and neighbors who have written to me asking for justice.

So this morning, Mr. Speaker, in conclusion, I say to the INS, Brian Pearson's case and at least six other cases like his are just ones. Keep the Pearson family together and leave Brian Pearson alone.

#### TAX CUTS FOR WORKING FAMILIES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, like many of my colleagues, I go back to my district every weekend. Since there is a lot more common sense, in my view, in Cincinnati than there is here in Washington, I try to listen to as many people as possible when I am back home.

The one question that keeps coming my way is this: "Why can't you folks in Washington cut our taxes?" That is a question they have got every right to ask us. It is their hard-earned money that comes to Washington every year in bigger and bigger chunks. The Government keeps getting bigger, and Federal programs up here grow and grow and that money comes right out of the paychecks of hard-working people in my district in Cincinnati.

□ 1030

Well, Mr. Speaker, I am with them. I am one of those Congressmen who is going to work very hard in the next few weeks to see that any budget agreement considered by this House contains serious tax cuts for the working families in Cincinnati and all around the country.

We have a golden opportunity to let the people of this country keep more of the hard earned money that they make and they send up here to Washington. For the people's sake, let us not blow it this time, let us cut taxes on people all over this great Nation.

#### ADMINISTRATION SHOULD KEEP PLEDGE OF NO MORE JOE DOHERTY'S

(Mr. MANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, I rise today to express my concern about seven families who are being unjustly targeted by the Immigration and Naturalization Service for deportation to the north of Ireland.

I was first informed about the plight of these families after I met Charles Caulfield, his wife Kathleen, and their four children, who reside in my district. I learned that despite the fact that they committed no crime in the United States and despite the fact that neither the Irish, nor British Governments are seeking to extradite them, the Federal Government is going to extraordinary lengths to force their family to return to a dangerous conflict.

Mr. Speaker, Kathleen Caulfield has been harassed and detained by British security forces in Ireland while being over 6 months pregnant and without being charged with a crime. I believe the threat of persecution and harassment for these seven families due to their beliefs in a united Ireland is genuine.

Immigration Judge Williams has recently ruled that one of the men facing deportation, Brian Pearson, should be granted political asylum due to the fact his acts in Ireland were political in nature and the threat of persecution is great. I am deeply disappointed with the INS.

President Clinton, by the way, in 1992 stated there would be no more Joe Doherty's. I ask that this administration be true to that pledge.

#### CONGRESS STILL RESPONSIBLE TO DEBATE, CRAFT, AND PASS TAX BILLS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I commend the hard work of our budget negotiators for coming to an agreement that balances the budget by the year 2002. It is a positive step. But let me make it perfectly clear, as a member of the Committee on Ways and Means, I take seriously my responsibilities and constitutional authority to debate, craft, and pass tax bills out of this committee. In no way should the President dictate or bind our committee as to what should and should not be in any tax bill. That is what the committee process and this Congress was designed to do.

We will give full backing to the gentleman from Texas, Chairman ARCHER, when he says we will accept the number given to us by the budget negotiators and the President, but we reserve the right to craft the provisions that are in any tax bill that comes before the committee and we may make them higher in the interest of the American people. It is that simple.

#### BLOCK GRANTS DO NOT WORK

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, already there is evidence that the Republicans' mindset on block

grants do not work. Why I say that, in my home State of Texas, unfortunately, the Medicaid block granting process has hit home in the 18th Congressional District.

Yesterday, the Texas Health Department issued its contracts on HMO's for our community. Is it not interesting that the largest hospital district that serves the poor, the Harris County Hospital District, did not get a Medicaid contract from the Texas Department of Health? Is it not interesting that Eric Baumgartner and the Texas Department of Health decided to exclude the Harris County Health District in this Medicaid contract, the one district that serves the largest number of individuals who are indigent.

There exists a serious lack of African-American, Asian, and Hispanic representation within the top management and decisionmaking groups within the six HMO award recipients for Harris County, which has a Medicaid majority population of African-Americans, Asians, and Hispanics.

It seems outrageous that in this time when we say block grants work, I am saying they do not work because they had denied opportunity to the bulk of my constituents in the 18th Congressional District.

#### EFFECT OF CAPITAL GAINS TAX REDUCTION

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to comment again, as I have in the past, on one of the most important pieces of legislation that has been introduced in this Congress. It is H.R. 14, which is designed to take the top rate on capital gains from 28 to 14 percent.

Now, many people have in the past called this a tax cut for the rich, but we all know from every bit of empirical evidence that we have that it would in fact do more for working families in this country than virtually any of the so-called family tax cuts that we have.

In fact, a study by the Institute for Policy Innovations found we could increase the take-home pay for the average family by \$1,500 per year if we were able to reduce the top rate on capital gains from 28 to 14 percent.

The gentleman from Texas, [Mr. ARCHER], and others on the Committee on Ways and Means very much want to do this. I am pleased that the President has indicated his support for a broad-based reduction in capital gains. It should be zero, but I will accept 14 percent.

#### BATTLE AGAINST ILLEGAL DRUGS SHOULD GO ON

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, I realize the election is over, but just because

an election ended our drug war should not end. The battles against illegal drugs should go on. I am very concerned that the President of the United States, who had backed away and we put a lot of pressure on in the last year and a half and he responded, he appointed Barry McCaffrey drug czar.

General McCaffrey has done an excellent job in speaking out and bringing to the attention of America, and through the election, that both parties were united against the drug war. What happens when the election ends? Now apparently we are going to nominate for an ambassador a man who blasted our drug czar for saying he was going to enforce the drug laws of the United States over this so-called medicinal use of marijuana.

There is no medicinal use of marijuana. There is a THC component that is available in other drugs. It is a backdoor way to legalize drugs in America. Why would we send an ambassador to Mexico? Mr. Weld, the Governor of Massachusetts, why would we send him to the country that we have been trying to send the message that they need to work to crack down on drugs coming into America?

Then the House, where we said we would take the lead against illegal drugs, is apparently going to take back the right to certify or decertify countries for their drug behavior. How can we as a House point our finger at others if we do not lead ourselves? I hope we can change this bill before tomorrow.

#### WILL THE STATUS QUO IN CHINA BECOME THE STATUS QUO IN HONG KONG

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, this week, Newsweek magazine, which is the country's premier news magazine, focused on Hong Kong and its return to China later this summer. The world is waiting to see if what has become the status quo in the People's Republic of China will become the status quo in Hong Kong.

How long will it take until those who desire to express their love of a Democratic system be banned from public process? How long will it take for pastors and priests and religious leaders to be barred from practicing their faith freely and leading believers in worship and obtaining Bibles and other spiritual material?

If we want to protect Hong Kong, the best thing that we can do for this House is to vote to deny MFN for China, because that will send a message to the Chinese Government like no other message that we could send. I strongly urge my colleagues to read this article in Newsweek.

# CONGRATULATIONS TO HON. BILL REDMOND ON HIS ELECTION TO CONGRESS

(Mr. SKEEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKEEN. Mr. Speaker, the vote is in and the people have spoken in New Mexico's Third Congressional District, and they are sending another Republican to Congress. I would like to congratulate the gentleman from Los Alamos, NM, BILL REDMOND, for winning New Mexico's special election held yesterday in northern New Mexico.

Mr. REDMOND will be an excellent Member of the House of Representatives and will support many of the principles our majority party stands for: lower taxes, a balanced Federal budget, a strong national defense, family values and a get-tough attitude on crime.

Mr. REDMOND won his election by being honest with the people about his views and concerns on the important issues facing New Mexicans and all Americans. BILL REDMOND, we look forward to working with you throughout the remainder of the 105th Congress. Congratulations and thanks to all of the Republicans that helped make this come about.

## PROVIDING FOR CONSIDERATION OF H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 146 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 146

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution and an amendment striking lines 8 through 17 on page 24 shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 3, line 1, through line 9; page 10, line 3, through line 15; page 25, line 1, through line 21; page 26,

line 8, through line 15; and page 33, line 14, through page 34, line 19. Before consideration of any other amendment it shall be in order to consider the amendments printed in part 2 of the report of the Committee on Rules. Each amendment printed in part 2 of the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in part 2 of the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 146 provides for the consideration of H.R. 1469, which is the Emergency Supplemental Appropriations bill for Fiscal Year 1997, under an open rule. In fact, this rule may be described as an "open-plus" rule.

The rule provides 1 hour of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on Appropriations, and it waives all points of order against consideration of the bill.

The rule further provides that the amendment printed in the rule and the Riggs amendment relating to the WIC program, printed in part 1 of the Committee on Rules report, shall be considered as adopted when the rule passes.

All points of order against provisions of the bill for failure to comply with

clause 2, which prohibits the unauthorized or legislative provisions in a general appropriations bill, or clause 6, prohibiting a reappropriations in a general appropriations bill, of rule XXI, are waived except as specified in the rule itself.

These exceptions relate to those legislative and unauthorized provisions contained in the bill reported by the Committee on Appropriations which were objected to by the authorizing committee of jurisdiction. In an effort to be as fair as possible to all Members and to respect the committee system, the Committee on Rules followed its standard protocol of leaving any provision to which an authorized committee objection was raised subject to a point of order. Specifically, this rule leaves the following unprotected:

Provisions relating to enrollments in the Conservation Reserve Program; provisions establishing exemptions to the Endangered Species Act for disaster areas; language changing existing procurement rules with respect to currency paper; and unauthorized parking garage and rescissions of contract authority from the transportation trust funds.

□ 1045

The rule also waives all points of order against each amendment printed in part 2 of the report of the Committee on Rules. It provides that these amendments may only be offered in the order specified, shall be debatable for the time specified in this report, equally divided and controlled by the proponent and an opponent, shall be considered as having been read, shall be offered only by the Member designated in the report, and shall not be subject to further amendment or a demand for a division of the question.

Once these nine amendments have been considered by the House, the rule also provides for consideration of the bill for amendment under the 5-minute rule. The rule grants priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration if otherwise consistent with House rules.

The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce the vote to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule waives points of order against all amendments for failure to comply with clause 2(e) of rule XXI, prohibiting nonemergency designated amendments to be offered to an appropriations bill containing an emergency designation.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1469 is an important bill for this country, particularly parts of the country. It seeks to provide needed disaster relief for thousands and thousands of families around

the country, particularly in the upper Midwest, where floods, fires and other disasters have literally decimated homes, livestock and lives. I know that those Members who have not been able to visit there have witnessed it on television and certainly read about it in the newspapers.

Furthermore, the bill provides needed supplemental funding to protect and equip our Nation's 8,000 troops in Bosnia.

Mr. Speaker, despite these laudable goals, I am personally disappointed that the Senate version of this emergency spending bill has been loaded up with extras, like a Christmas tree, many nonemergency items which may threaten the enactment of these important funds for families and for Bosnia. While the bill before us today also has some nonemergency items, the open process under which we will consider the bill today will provide the whole House with the opportunity to fully and openly debate these important issues.

After hearing testimony up in the Committee on Rules yesterday for 4 hours from over 50 witnesses, the Committee on Rules has presented the House what I would describe as a very fair and open rule that allows 9 additional amendments to be offered to the bill, in addition to any amendment any Member of the House may wish to offer under the regular amendment process.

In this light, I urge my colleagues to support this important rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, today we are considering a bill originally designed to provide flood relief to the people of the Midwest who have lost their homes, who have lost their businesses and have lost personal memorabilia.

Unfortunately, Mr. Speaker, the Midwesterners who are waiting for this flood relief are not going to get it, at least not yet. Because, Mr. Speaker, despite opposition from the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, and the gentleman from Wisconsin [Mr. OBEY], the ranking member, despite a veto threat from our administration, my Republican colleagues have decided to attach a poison provision to this bill that effectively says, "Stop us before we shut the Government down again." This provision says that our Republican colleagues do not think that they can keep the Government open this year any better than they did last year.

This provision does not belong in emergency disaster relief legislation, Mr. Speaker. The people of North Dakota, the people of Minnesota who have suffered floods and fires, some of their stories really belong in the book of Job. They deserve the Federal relief

that every single one of us wants to give them, and my Republican colleagues should not put politics in the way of helping them put their lives back together.

In addition, Mr. Speaker, to dooming flood relief, this bill first helps, then hurts, mothers and small children who need nutrition assistance. Last night my Republican colleagues changed their mind and agreed to rewrite the bill to include full funding for WIC nutrition programs this year. But, Mr. Speaker, it stops there. This bill could end up cutting 500,000 women and children from that same program next year. I am glad to see my Republican colleagues did away with their proposal to cut 180,000 women and children from the WIC nutrition program this year, but next year we will have even more American children and more pregnant women who badly need this nutrition assistance, and my Republican colleagues will not let them get it.

In the Committee on Rules yesterday afternoon, they joined us in restoring this year's funding for this very important program that supplies pregnant women and young children with milk, eggs, cereal, formula, et cetera. But by allowing the gentleman from Pennsylvania [Mr. GEKAS] to offer his amendment, my Republican colleagues will be locking in WIC and education funding at last year's level, which will cut one-half million women and small children from this program next year.

Mr. Speaker, it will also keep 86,000 children from Head Start, 360,000 students from Pell grants for college or job training, and 71,000 fewer adults from adult education.

Mr. Speaker, education is the American people's No. 1 priority. I think my Republican colleagues are making a big mistake by restricting its funding. We were not sent here to take bottles away from babies and Head Start away from toddlers, even if it is not until next year.

In terms of this rule, we are in a bad position. This rule is attached to a self-executing temporary WIC funding measure, and I hope that we will be able to reverse the course in time for next year.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when, oh when, oh when will we stop playing politics on the floor of this Chamber?

Mr. MOAKLEY. That is what I would like to know.

Mr. SOLOMON. Regular order, Mr. Speaker.

Mr. Speaker, last year this Congress was criticized for shutting down Government. In an attempt to try to be responsible and to try to work with the President of the United States, we are incorporating into this legislation today a continuing resolution. I am no fan of continuing resolutions. As a matter of fact, what this means is that Congress and the President have not

done their jobs when we finally get around to having to have a continuing resolution. If Congress did its job, we would pass the 13 appropriation bills funding all branches of Government and that would be the end of it. But the truth of the matter is that last year when the President and the Congress could not agree, the Government was shut down. This is an attempt to keep the Government open. That is exactly what it is.

Just to explain that, we have 13 appropriation bills that provide for the funding of this Government of ours. If one of those or two of them or three of them are not signed into law by the beginning of the fiscal year 1998, which is this September 30, it means that there will be a continuing resolution that will provide for the funding of those branches of Government for which we could not reach agreement. That is exactly what a continuing resolution is. It means that come September 30 if we have not agreed, we are not going to shut down the Department of Transportation or the Defense Department or any other department. That is all this does.

When we held this hearing yesterday in the Committee on Rules, we had good Members from the Republican side and from the Democratic side. We had the gentleman from Maryland [Mr. WYNN], who has 72,000 Federal employees coming up and asking us for a continuing resolution. We had the gentleman from Virginia [Mr. MORAN], who represents another huge number of public employees coming and asking for the same thing. We had Republicans like the gentleman from Virginia [Mr. DAVIS] and the gentlewoman from Maryland [Mrs. MORELLA] asking for the same thing. This is an attempt to keep this Government moving should we not have reached agreement on all these issues. We ought to have less posturing around here and let us get down to the business of the House.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Sanibel, FL [Mr. GOSS].

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. I thank the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, for yielding me this time, and I associate myself with his remarks.

Mr. Speaker, I rise in strong support of this modified open rule. The rule provides for consideration of this legislation, which as we have heard is extremely important, in a timely manner and without restricting the right of Members to have their say in the process. That is obviously a delicate balance but I am very pleased with the final product we bring to the body to vote on, and I congratulate the gentleman from New York [Mr. SOLOMON], the chairman, for his leadership on this.

Mr. Speaker, this bill continues the tradition begun in the last Congress of



paying for the supplementals. While commonsense by the standards of most Americans, the idea of actually paying for new emergency spending was foreign to past Congresses. Before the new majority, the old practice was charge it and send the bill to the kids. That was the wrong thing to do. This is the right thing to do, and I commend the gentleman from Louisiana [Mr. LIVINGSTON], the chairman, and his committee for making the very hard choices necessary to keep our word with the American people.

Finally, we must acknowledge the Americans who have been dealt such a severe blow from the floods. Yesterday I met with the mayor of Grand Forks and other local officials in that area who are working overtime to put their lives back together, and the lives of the people they represent.

They did not ask for any special treatment or sympathy. They just want a fair disaster hand right now to help them rebuild their communities, which are obviously devastated. They actually have a different view than our committee on how best to deliver the money, and this rule accommodates them by allowing the gentleman from South Dakota [Mr. THUNE] to offer his amendment, I suspect helped by the gentleman from Minnesota [Mr. PETERSON] and the gentleman from North Dakota [Mr. POMEROY].

As a Floridian, I know the terrible personal tragedy that comes with a flood, hurricane, or other natural disasters. We have them, too. With this bill, we have assumed our responsibility to our friends in the Midwest while not forgetting the American taxpayer. This is a good bill, it is a good rule, it is going to be fair and open, and I urge its adoption.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

I just want to reiterate and I question my dear friend from New York when he says he is working with the President on this. The President has said in a letter he sent to the Committee on Rules that he will veto this if the CR is in the bill. The CR is in the bill. This is not cooperating with the President.

Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Here we go again.

Mr. Speaker, we hear on the majority side of the aisle in their press conferences that they are all for bipartisan cooperation with the President, all for trying to work things out and being constructive. But then they bring a rule and a proposition to the floor which invites and indeed guarantees a White House veto. What this does in my view is to give the back of the hand to the President. It rejects cooperation with the House Democrats on a wide range of issues, and it virtually assures weeks and weeks of delay in getting needed assistance to the people who have been the victims of floods and natural disasters all over the country.

The rule does a number of things which I think Members ought to know about. First of all, it has a self-executing rule on WIC so that after more than a month of the majority party trying to cut in half the administration's request for WIC, it now has a self-executing provision in the rule that guarantees that there will not even be any debate on WIC, in order to cover their tracks on the issue, I guess. At least that is the way it appears to me.

Then they have a provision on the FEC. The administration originally requested \$1.6 million for the FEC so the FEC could pursue campaign finance violations investigations and also to provide for an upgrade of the FEC computer system.

□ 1100

First the committee itself said, "Oh, no, no. No money for investigations. You can only use money for computers." Then the gentleman from New York [Mrs. MALONEY] announced that she wanted to offer an amendment to restore the ability of the FEC to pursue these congressional finance investigations. And so what did they do? Rather than have a debate on the issue, they have deep-sixed the whole thing because in this, if my colleagues vote for this rule, they will be automatically knocking out all of the additional funding for the FEC. Nice, nice job.

Then they have amendments that they are putting out that are guaranteed to produce a veto. First of all, the CR amendment that is being proposed does nothing but turn every single remaining appropriated program in the budget into an entitlement, that is all it does, and it becomes the Bureaucracy Supremacy Act of 1997. It guarantees that there will be no further choices by Congress. It absolutely eliminates the pressure for compromise between the two parties. It guarantees status-quo Government across the board. That is some leadership.

Then they have a provision being offered by the distinguished gentleman from New York which again virtually guarantees a veto. We, under a time limit of 10 minutes, are asked to consider his amendment that would totally reorder our national strategy on dealing with weapons of mass destruction in the Soviet Union, and based on 5 minutes of arguments on each side we are supposed to throw into the junk heap the Nunn-Lugar legislation which has, at the cost of less than one B-2 bomber, helped us to get rid of some 4,500 nuclear weapons within the former Soviet Union.

Tell me whether or not it is responsible for this country to make that kind of major decision on the basis of 5 minutes' token debate on each side of the question. I think it is laughable.

Next they propose an amendment which would in the view of the Pentagon endanger the security of American troops in Bosnia by sending a specific date for a pullout, congressionally

mandated. All of us might like to see the troops out by that date, but I see no sense in advertising to every potential adversary in Bosnia exactly what the date is, after which they can behave like the irresponsible characters that so many of them behaved like before the American presence there.

It has a number of provisions which, far from helping the situation, make matters worse in terms of our ability to get needed aid to the States who need it. The gentleman from New York said, "When is politics going to stop being played on this floor"; indeed that is the question that ought to be asked. This rule is chock full of politics. These amendments are chock full of politics. It seems to me if there is a desire on the majority side of the aisle for bipartisan cooperation that a good number of these amendments that the administration itself has defined as poison pens would simply not be offered.

Mr. Speaker, the way to get together on a deal is to get together on a deal. This CR amendment, simply it is the old saw of someone crying out in the wilderness, "Please stop me before I kill again." We do not need this CR provision in order to stop the Government from being shut down. We need a new attitude on the part of this Congress; that is all we need.

I would urge opposition to this rule, and I would urge opposition to the bill itself so long as it contains these egregious provisions. If my colleagues vote for this proposal, they will be slowing down the delivery of needed relief to those areas of the country who have disasters, they will be slowing down the assurance that we need to get to those folks who we are trying to help by restoring Federal support for needy immigrants for the 1-month bridge that is needed until the new budget agreement takes care of the problem.

So I would urge Members who are interested in bipartisan cooperation to vote against this rule, vote against this bill, have the Committee on Rules go back up and bring us a rule that is truly bipartisan, not one designed to create further confrontation with the White House.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman doth protest too much. He knows that this is an open rule, and to stand up and to ask people to vote against an open rule I just think is wrong, but the gentleman is entitled to his opinion.

But let me just say this. Where is the Democratic leadership here today? I want them on the floor, and I want them to tell me and this side of the aisle that they are opposed to a continuing resolution when I am on this floor, and say it now, and also say that they have got the gentleman from Maryland [Mr. WYNN] and they have got the gentleman from Virginia [Mr. MORAN]. I would think that they would want to come over here and protect the 100,000 Federal employees and hear the



opposition from their side of the aisle opposing this continuing resolution. I just think this is outrageous.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Wisconsin, just briefly.

Mr. OBEY. Mr. Speaker, I would simply point out his leadership is not on the floor. Where are they? It would be nice if they were providing some help in getting us together rather than pulling us apart again.

Mr. SOLOMON. I would say to the gentleman I am a part of the Republican leadership, and we are here represented. Let us get the gentleman's side over here as well.

Mr. Speaker, having said that, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA], the very distinguished chairman of the Subcommittee on Financial Institutions and Consumer Credit of the Committee on Banking and Financial Services.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I want to thank the gentleman from New York [Mr. SOLOMON] for incorporating full funding for the WIC program in this proposal, and we are doing the right thing here. This should not be a partisan issue, and with the full funding I think Congress is saying no, we are not going to take food out of the mouths of little babies and WIC is off limits.

I would also like to say with the concerns of some of my Republican colleagues, please do not be penny-wise and pound-foolish. WIC is a program that works, and it works in the longer term and actually saves Federal money.

I will have more to say in the general debate, but I do appreciate the fact that the committee has taken this out of the partisan position and given bipartisan support for this very essential program.

Mr. Speaker, I rise in support of this rule and want to extend my thanks to Chairman SOLOMON and the Republican leadership for their attention to funding for the Women, Infants, and Childrens Program. This rule does the right thing by bringing the WIC Program to full funding.

This should not be a partisan issue and with this full funding, Congress is saying: "No. We are not going to take food out of the mouths of little babies. WIC is off-limits."

The Congress cut funding for WIC last year significantly—\$150 million. The Department of Agriculture estimates that full funding for the program requires \$76 million. This rule provides that figure in this supplemental.

This self-executing amendment would draw on NASA funding—the national aeronautical facilities account—to offset the \$38 million. We are rescinding spending for our space agency to ensure that our children are provided for here on Earth.

I would like to address the fiscal concerns that I know will be raised by some of my Republican colleagues.

Don't be penny-wise and pound-foolish.

The WIC Program is a program that works and, in the longer term, actually saves Federal money. For every \$1 used in the prenatal segment of the WIC Program, Medicaid saves untold moneys and gives healthy productive lives to these children that cannot be measured in dollars and cents.

WIC works. It reduces the instances of infant mortality, low birth weight, malnutrition, and the myriad other problems of impoverished children. The WIC Program also provides valuable health care counseling for expectant mothers for both mothers and children.

In recent months Time and Newsweek magazines have written feature articles on the importance of the years from birth to age three. These articles validate long-standing research based on up-to-date studies of prenatal and early childhood development. WIC funding is a big part of the future development of these infants. Let's not be penny-wise and pound-foolish.

This \$38 million for the WIC Program is truly an investment. A wise investment, at that.

Without this \$38 million, we could see another 180,000 women and children dropped from the program.

Mr. Speaker, don't we ever learn? This is the wealthiest Nation in the world and yet, children still go to bed hungry.

Again, WIC should be fully funded and should be off limits. Only, then will we preserve food for hungry babies.

I want to extend my thanks to several of my colleagues who were instrumental in restoring full funding for WIC.

MARCY KAPTUR of Ohio has been a longtime champion of the WIC Program. FRANK RIGGS of California is the chairman of the authorizing subcommittee and we will be working closely to reform and protect WIC when we reauthorize.

Together with JACK QUINN of New York and many other colleagues, the WIC Program wins today. That means women and children—and the taxpayers—win today.

I urge support of the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts, [Mr. MOAKLEY], for the time, and I want to start by commending the gentlewoman from Ohio, [Ms. MARCY KAPTUR], and the gentlewoman from New Jersey [Mrs. ROUKEMA], for working so hard on trying to restore the money for the women, infants and children program that is such a wise investment for this country.

I do have some deep concerns about this rule, Mr. Speaker. I believe that through the self-executing aspect that we will not be able to debate this WIC Program for as long or as thoroughly as we probably should. So I would encourage my colleagues on both the Democratic side and the Republican side to oppose this rule.

I would say about the WIC Program, however, that as I joined in special orders and 1-minutes to say that the Republicans through cutting \$38 million of this program in the Committee on Appropriations, finally they have come around, better late than never. This is

one of the best bipartisan Government programs ever created. It is an investment in our children, it is an investment in our families, it is an investment in balancing the budget. To have cut \$38 million from this program would probably cost the taxpayers about \$120 million later on through Social Security disability payments that would have robbed from children through all kinds of social costs and welfare costs. Finally, after many mistakes, we have restored this money.

Why is this a great investment? Because milk prices are up, the caseload is up for children and for women, and we have problems in terms of making sure that we get resources to these women in their efforts to make sure they deliver healthy babies.

Again, Mr. Speaker, I think it is very, very important that we get this \$38 million restored. I encourage bipartisan support for the WIC Program. However, I do have concerns with the self-executing part of the rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just cannot believe what I am hearing here, because to defeat this rule would slow down this process, and they are going to prevent these moneys from going to people that need it desperately, and they need it today, not next week, next month.

We are about to adjourn for an entire week coming up here after this coming week, and if my colleagues defeat this rule, there is no way to get this back on the floor and even deal with this issue.

Second, if my colleagues vote against the rule, they are voting against increasing WIC funding by \$38 million. They better think about that. Those funds are needed.

To speak more eloquently to that, Mr. Speaker, I yield 2½ minutes to the gentleman from North Dakota [Mr. POMEROY], someone whose constituents are suffering by the day, by the hour, and they want action on this bill.

Mr. POMEROY. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding, and indeed it is the amendment of the gentleman from South Dakota [Mr. THUNE] that I care so deeply about.

I am speaking in favor of this rule. In doing so I understand I am at odds with people in my own caucus whom I deeply respect. It does not happen often, particularly on ruled debates, but I think it is important to remember that at the heart of this bill is disaster relief for people who desperately need it. I do not think there is a group in the country that is as desperately in need of the relief in this bill as those in the district I represent, the State of North Dakota, and particularly the region of Grand Forks, ND.

No one can remember when a city of 50,000 has gone entirely under water, but that is the circumstance, tragically, that happened to us when the Red River, which has a flood stage of 28 feet, finally crested at 54 feet, almost double the flood stage.

We need the relief that the amendment of the gentleman from South Dakota [Mr. THUNE] offers to this package. It is allowed under the rule. Frankly, it concerns me that non-disaster relief amendments are also pending, and throughout the afternoon I intend to vote against each and every extraneous matter that might impede this bill. But let us address it amendment by amendment. Let us not take this whole package off the floor and put it away for another day.

Let me tell my colleagues exactly what is at issue. We have in North Dakota homeowners that face enormous costs of repair to their home before they can even move back in: \$20,000 \$30,000 \$40,000. Their homes are in the floodway. If they throw that kind of investment back into their home, they may have to cash out and move their home in a year because of the arrangements being made to make sure this flood never happens again.

Only by the passage of the Thune amendment and package of the disaster supplemental bill in its ultimate enactment do we get back the ability for people in Grand Forks to buy those homes, get them out of the floodway, give these people the means they have to room their lives. That is why, as the chairman suggested, it is important to move this disaster supplemental bill forward, it is important to move it immediately, it is important it be considered today, which is why the rule must pass so we can get under way with getting relief to people who need it.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the gentleman who just left the microphone. We should take prompt action on it. But the Republican action of putting the CR in the bill, which is going to guarantee a Presidential veto, is not the way to put prompt action on this matter.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MARTINEZ].

(Mr. MARTINEZ asked and was given permission to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, while I am pleased that the Committee on Rules realizes the importance of providing much needed additional WIC funding, I am disturbed by the politics of it. I am the ranking member on the committee that has jurisdiction over this program, and more than that, I visited several WIC programs in my district, and I know full well the value of this program to the women and children. Fortunately, the leadership of the Clinton administration and my Democratic colleagues have convinced the House to provide the extremely additional funding needed. However, I am extremely dismayed by the partisan bickering that kept us until the 11th hour to be convinced of the importance of adequate funding. Had my colleagues known the possibility of an amendment being offered by the distinguished

Member from Ohio [Ms. KAPTUR] has been discussed for over a week and this issue has received much attention since an amendment was defeated along party lines in the Committee on Appropriations.

□ 1115

I ask, why is it that it has taken the majority so long to see the importance of ensuring that the WIC Program can serve a full case load, and now the Members from the other side are supporting it. But I am troubled by the obvious partisan politics being played with the Nation's children and mothers.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio [Ms. KAPTUR], who really is the sponsor of the WIC Program, but her amendment was not allowed and the Republicans put some other person's name on the WIC bill, and the gentlewoman actually is the one that we look to for leadership regarding the WIC legislation.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], my distinguished colleague, for yielding me this time.

I wish to say that I rise in opposition to this rule and urge my colleagues to vote "no" on the previous question and "no" on the rule.

As the ranking member on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, let me point out to my colleagues that the only reason that the bill appears the way it does this morning is that the Republican majority has been embarrassed, embarrassed into including WIC funding to serve the current level of recipients. Over 180,000 women and children were going to be eliminated from this program, based on the votes taken on the record at the subcommittee level and the full committee level.

I am usually not this partisan, but boy, this morning I am. They are so embarrassed at what has happened at the subcommittee level and the full committee level, they have hidden, attempted to hide their voting record and their handiwork inside this bill through a self-executing rule that will not permit us even to talk about WIC on this floor.

Now, let me set the record straight as to who has been fighting for America's pregnant women and children. At the subcommittee level, not one Republican voted for WIC support at a level to serve current beneficiaries. Every single Republican voted to cut over 180,000 women and children from that program this year. Every single Democrat voted to protect pregnant women and vulnerable children in need of decent nutrition. My colleagues can look back at the voting record at the subcommittee level.

Then at the full committee level of appropriations, of 34 Republicans out of a 60-member committee, only 2, only 2 voted to protect America's at-risk

women and children. Only 2 out of 34. All Democrats voted to protect America's women and children.

So the Republican Party, fearing a backlash, as they should, have tried to cover their tracks inside this rule, and how have they done this? They have muzzled the debate process through the self-executing rule and have moved funds from NASA accounts, if anybody here cares about NASA, into the WIC Program, but nobody has had a chance to even think about or debate at the subcommittee or full committee level where that money is supposed to come from. If it is coming from the wind tunnel projects, how is that going to affect our NASA exports, which is one area where we really do have a positive trade balance.

In any case, I just wanted to set the record straight this morning and say we understand what is going on. We understand what is going on, and we understand the games they are playing, and my colleagues should be embarrassed.

I just have to say I am sorry that the gentleman from New York [Mr. SOLOMON], my friend and the chairman of the Committee on Rules, had to be strong-armed into this by the red-faced members of his own party. I am proud to be a Democrat this morning. I am proud to have been a party that fought for America's women and children at every single level.

I also have to say, because I do not think she could say it for herself, I really think if anybody's name in the Republican Party should be associated with the WIC Program, it should be the gentlewoman from New Jersey [Mrs. ROUKEMA]. Hers should have been the lead name because she was the one that circulated the letter on the Republican side of the aisle. I do not want to get her into trouble, but she should not be a second-stringer on this, she should be right up here with me today. It is too bad that a member of the Republican Party has to be handled that way.

I thank the gentleman for yielding me this time, and I ask my colleagues to vote against the previous question and against the rule. We should be able to debate the WIC Program on the floor of this Congress.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I really take exception to what my good friend, and she is a good friend, the gentlewoman from Ohio [Ms. KAPTUR] said about this amendment, because she and I work so closely together on so many issues when it really means family values, and I am a little surprised.

Let me just say this. I have the amendment of the gentlewoman that she filed with us, and it is the identical amendment that the gentleman from California [Mr. RIGGS], who is the chairman of the Subcommittee on Early Childhood, Youth and Families, they both filed the amendment. The amendment of the gentlewoman from Ohio [Ms. KAPTUR] was a second

amendment, I believe, that she had filed, and so we incorporated, self-executed into the rule exactly what she is asking for.

I do not think we need to talk about pride of authorship here, we need to get the job done. That is what I am attempting to do, is to recognize everybody in this effort. I commend her for all of her hard work on it.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from Ohio, whom I have great respect for.

Ms. KAPTUR. Mr. Speaker, it is mutual.

I understand what has happened here. In a way it is laughable, but in a way it is truly sad, because I remember the debates in subcommittee, I remember the debates in full committee, and I have to say that the amendment that we submitted was very different in terms of where we took the initial funding. We were trying to be somewhat flexible when we came before the committee. We feel that we were hijacked in the process, but I really feel that the name of the gentlewoman from New Jersey [Mrs. ROUKEMA] should be on there.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, this is the Kaptur amendment and I would be glad to submit it for the RECORD so that everybody could see it.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS], the chairman of the Subcommittee on Early Childhood, Youth and Families, for an additional explanation because he has done outstanding, yeoman work on this WIC Program and other programs that affect our families.

Mr. RIGGS. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me this time.

As I listened to the teeth-gnashing coming from the other side of the aisle, I am reminded of one of Ronald Reagan's favorite sayings: There is no limit to what an individual can accomplish in life, provided they do not mind who gets the credit.

Let me say at the outset, I served on the Agriculture Appropriations Subcommittee in the last Congress. I am fully aware of the concerns associated with the administration of the WIC Program. There are questions on the part of Members on both sides of the aisle regarding why this program needs a \$100 million carryover from 1 fiscal year to the next; why this program has spin forward and spinback provisions in the law; why the administration has now requested a \$100 million contingency fund in their current budget proposal pending before Congress for this program, again, given the fact that it already has an estimated \$100 million carryover.

However, the time and place to debate these concerns, and perhaps make structural reforms to the program, is when we take up the authorization of WIC this fall in the authorizing Sub-

committee on Early Childhood, Youth and Families, which I chair, not in the context of a supplemental appropriation.

So the reason that I offered my amendment, which is made self-executing under this rule, is to put back the \$38 million which the administration claims they need to serve current enrollees in the program, with the provision that we will look at all of these policy issues in the fall again when we take up the reauthorization of WIC and the other child nutrition programs.

That is where I am coming from. This is not some sort of partisan rivalry. I do not understand why we have to turn this into yet another partisan food fight in the Congress. There is bipartisan support for the WIC Program, there has been historically for the WIC Program over the years. Members of both parties are concerned about reducing the number of low weight births and the number of birth defects associated with inadequate nutrition during pregnancy.

So again, I take issue with what the gentlewoman has said, I thank the Committee on Rules for making my amendment self-executing, and I urge support of the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the outstanding gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I would like to just point out that the gentleman from California who just addressed this House never appeared before the subcommittee. The gentleman said he served on the Committee on Appropriations before.

When the WIC issue was being hotly debated in the subcommittee, the gentleman never walked in the door. When we were debating this in the full committee, the gentleman never made his appearance. And when his colleague from his side of the aisle circulated the letter on WIC, he never signed the letter saying that he supported the current level, a level of funding to support current recipients. So it seems to me the gentleman truly is a Johnny-come-lately to the battle.

As far as holding hearings this fall, the problem is the people being cut off today, not next fall. That is why we need the supplemental appropriation bill passed with that money in there. Waiting until next fall does not solve the current problem we are having, which goes to prove the gentleman really does not understand the program to begin with and what this fight is all about.

I think to ice out one of your colleagues who has fought this hard on the issue is truly a disgrace to the institution.

#### PARLIAMENTARY INQUIRY

Mr. MCINNIS. Mr. Speaker, I have a parliamentary inquiry as to whether or not the gentlewoman's words are a violation in regards to the Johnny-come-lately comments and so on, questioning the motives of the Member.

The SPEAKER pro tempore. The Chair will not respond to that specific

parliamentary inquiry at this time. Does the gentleman make a point of order?

Mr. MCINNIS. Mr. Speaker, I make that a point of order, the same comment.

The SPEAKER pro tempore. Is the gentleman making a point of order that her words be taken down?

Mr. MCINNIS. No. I will withdraw the point of order.

Is it my understanding that the Chair will not take a parliamentary inquiry at this point in time, or the Chair will accept a parliamentary inquiry?

The SPEAKER pro tempore. The Chair will not respond specifically to a parliamentary inquiry as to whether her words were out of order.

Mr. MCINNIS. But in general?

Mr. Speaker, let me ask, in general, is it in order to engage in personalities on the House floor?

The SPEAKER pro tempore. The rule is that Members may not engage in personalities in debate.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from the State of Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me the time.

Along with the gentlewoman from Florida, Mrs. CARRIE MEEK, the gentleman from Florida, Mr. LINCOLN DIAZ-BALART, the gentleman from Rhode Island, Mr. PATRICK KENNEDY, the gentleman from Florida, Mr. CLAY SHAW, the gentlewoman from Connecticut, Mrs. NANCY JOHNSON, and many others, we have been working on a bipartisan amendment to extend SSI benefits until September 30, and we are glad to see it in this bill.

The Supplemental Security Income program, SSI, is designed to help the poor who are elderly, disabled, or blind. These folks who receive SSI now but are not U.S. citizens, even though they are U.S. residents, would normally be receiving their last SSI check very soon.

August 22 is to be the last date of their availability for this very needed benefit. Now with this bipartisan amendment which is included in this bill, these poor, sick, elderly, law-abiding, legal U.S. residents will get an extension of this assistance.

Through the leadership of the Republican Senator of New York, AL D'AMATO, the Senate passed this SSI extension last week with an overwhelming vote of 89 in favor and only 11 against. On the House side, with the leadership of the gentleman from Florida, Mr. CLAY SHAW, and the gentleman from New York, Mr. JERRY SOLOMON, these poor residents will also now get the same extension.

This will give the Social Security Administration and other Federal agencies the time to implement changes in the benefits that we hope to be making soon, if we are successful in passing the balanced budget amendment and the plan which will restore Federal benefits for all legal U.S. residents who get now SSI benefits.

□ 1130

Mr. Speaker, as a Representative and a resident of the 18th District of Florida, I encounter on a daily basis constituents who are legal residents who have resided in this country for many years, who have paid their taxes, many of whom served this country, whose children and grandchildren were born in this country, and who live in fear, constant fear of that August 22 date when their Social Security supplemental benefits, for many of them their basic sustenance, will be eliminated.

How, then, do we justify this elimination of these benefits to those who are eligible? Congress is going to do the right thing to vote for the people, protect the people, and this bill does exactly that.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I rise against this rule. The Republican National Committee ought to be sending roses this morning to the Republican leadership of the House. The \$1.7 million in emergency funding requested by the Federal Election Commission to conduct investigations has somehow disappeared. The only nonpartisan group that should be looking into these alleged abuses has just lost the funding it needs to get the job done.

On the other hand, the Republican-controlled Committee on Government Reform and Oversight just received \$6 million to carry out its partisan probe. Now they have tied the hands of the only nonpartisan agency empowered to conduct an investigation and to find abusers.

This is not their first stunt. Just last week the Committee on Appropriations actually granted the money, but tied it up by specifying it could only be used to buy computers, like the computers would just do the work themselves. Now the funding has just disappeared. First they give, then they limit, and now they take it away.

I say to the Republican leadership, why are they doing this? Why are they taking the funding away from the one nonpartisan group empowered to conduct investigations?

I urge a "no" vote on this rule.

Mr. MCINNIS. Mr. Speaker, I yield 2½ minutes to the fine and patient gentleman from Pennsylvania [Mr. GEKAS].

(Mr. GEKAS asked and was given permission to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, in the fall of 1990, while our fellow young Americans were being amassed in the deserts of Saudi Arabia, musket in hand, prepared to do battle when Desert Storm was about to erupt, the Government of the United States shut down. I ask the gentleman from Massachusetts [Mr. MOAKLEY] to recall with me, if he will, that here we are in Desert Shield, young Americans poised to do battle,

and the Government of the United States shuts down. A Democrat Congress and a Republican President failed to agree on a budget and the Government shut down, while our young American colleagues, fellow citizens, are ready to do battle in Saudi Arabia.

Mr. Speaker, it is disgraceful to contemplate even the possibility of the Government of the United States shutting down. It was organized and set into motion in 1789, and it was built to last forever. So long as time shall last, this Government of ours should never shut down. Yet, the people who oppose this rule actually favor the possibility of the Government shutting down. That is appalling to me.

The CR that is part of the rule on which we are now passing consideration would guarantee that no shutdown would occur because of lack of will on the part of the Congress and the President to negotiate and agree to a final budget.

Mr. Speaker, I ask every Member to consider this as a good government bill. This is one that guarantees the soul of our country remaining intact during a time of inability of the Members of Congress and the President of the United States to agree on a joint budget. This is not a partisan effort. We have had dozens of people contact us from both sides of the aisle, most notably the gentleman from Maryland [Mr. WYNN], the gentleman from Wisconsin [Mr. KLECZKA], the gentleman from Virginia [Mr. MORAN], the gentleman from Maryland [Mr. HOYER] and others who are interested in making sure we have a smooth transition when there is an impasse in budget negotiations, so we would never have the fallacy, the tragedy, the shame of the Government of the United States shutting down.

I urge support of the rule, and particularly of the CR amendment, which I will be offering.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in answering the gentleman who just left the microphone, under the Democrats I think the Government shut down one day. Under the Republicans it shut down for 6 months. Government shutdowns can be averted by negotiation, but when one party does not want to negotiate, that is when the Government shuts down. I do not think that this is necessary in this vehicle. If they want to talk about it and discuss it, I think there are other vehicles that can be addressed.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, I rise this morning as a supporter of a fully funded WIC program, and want to commend our colleague, the gentlewoman from Ohio [Ms. KAPTUR], for her passion and leadership on this issue.

I had hoped also this morning to engage in a colloquy with the gentleman from New York [Mr. SOLOMON], but he has been called away from the floor, so I will make my point now and hope that he will get back a bit later and be able to make his point.

Mr. Speaker, the issue is the deficit reduction lockbox, which, sadly, is not in order under this rule. A lockbox, as my colleagues know, assures that amendments cutting spending from appropriations bills are translated into savings, not reallocated to other spending. To quote from a current movie, "Show me the money,"—lockbox shows us the savings.

The House has on three occasions overwhelmingly passed the deficit lockbox, twice as amendments to appropriations bills and once as a free-standing bill. Regrettably, the other body failed to match our efforts and this measure died with the adjournment of the 104th Congress. If lockbox has been enacted during the fiscal year 1997 appropriations process, almost \$1 billion in spending could have been locked away for deficit reduction.

The lockbox is a very simple mechanism, and will help restore fiscal responsibility to this body. I regret that the Committee on Rules could not make it in order as an amendment to the supplemental appropriations bill, but I hope that the chairman and the full committee will work with us, a bipartisan group of Members, to make it a regular part of the appropriations process, starting with the first appropriations bill for fiscal year 1998.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding to me. I just felt compelled to come down to the well one more time and clarify for our listeners, and especially, of course, for our colleagues who will be making a decision on the rule here momentarily, just, again, the background behind my appearance before the Committee on Rules to offer my amendment to add an additional \$38 million for funding for the Women, Infants, and Children Program during the current fiscal year, and why that was made self-executing under the rule.

I want people to understand, and I cannot believe the gentlewoman from Ohio [Ms. KAPTUR] is actually suggesting that the chairman of an authorizing subcommittee cannot engage constructively with an issue like that. What kind of precedent would that create in the House? What kind of sour grapes have we heard down here? There is a majority party, there is a minority party.

I suspect if the gentlewoman, who has served in the Congress for a number of years, goes back and searches her memory she might just recall a precedent when the Democrat Party as the majority party allowed a Member of the majority party who demonstrated an interest in this issue to take the lead.

That was not intended to exclude other parties. We made an effort. We reached out to the gentlewoman. We reached out to the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentleman from New York [Mr. QUINN] as well to make our efforts bipartisan. So how do bipartisan efforts ultimately get reduced down to another political food fight down here on the House floor, with people squabbling over who gets credit and one colleague referring to another colleague as a Johnny-come-lately.

Let me not stoop to that level. Let me offer the gentlewoman the opportunity to testify before our subcommittee this fall when we take up the reauthorization of WIC and the child nutrition program, so that together, in the best spirit and tradition of bipartisanship, we can address the concerns regarding the management of the program.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I would say to the gentleman, I would be delighted to appear before the gentleman's subcommittee. I thought it was very curious that when we were holding hearings on the WIC Program the gentleman did not appear before our committee, when 180,000 women were cut from the program by the gentleman's party.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important to note that yesterday the Committee on Rules heard testimony from three Democrats who are in support of the automatic continuing resolution, talking about an amendment. One of them spoke very eloquently, I thought, on its effectiveness at the State level, and we should keep that in mind.

Second of all, I think the key issue here is to get assistance to the women and children that need it, and not spend our very valuable time on this House floor arguing about the pride of authorship, which is exactly what I think has occurred on the other side of the aisle. I think it is best to step over that, and let us discuss the rule and let us pass the rule.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I just wanted to revisit the issue raised by the gentlewoman from California [Ms. HARMAN] on the Crapo-Harman-Foley amendment for lockbox. Clearly, when I came to this Congress I had made an attempt to save money for the taxpayers from a wasteful program in this Chamber. We saved \$25 million on one issue, but that money then became freed up for spending in another boondoggle program, so all of my work and effort in saving the tax dollars was swept away in one fell swoop by a person seeing free-up capital.

The lockbox, much like a savings account, would allow us to earmark that

money for deficit reduction. The gentlewoman from California, Ms. HARMAN, myself, and the gentleman from Idaho, Mr. CRAPO, have had very, very good meetings with the gentleman from New York, Chairman SOLOMON, and others who agree with us on the premise of a lockbox, but now it is time to enact this mechanism to save dollars for the taxpayers, just like American families who decide they want a nice vacation. They forego expenditures and save that money up in an account, so at the end they can move forward in their life. Lockbox will provide fiscal sanity and integrity for the U.S. Congress.

Mr. MOAKLEY. Mr. Speaker, I yield my remaining time to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the Committee on Appropriations.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Wisconsin [Mr. OBEY] is recognized for 6¾ minutes.

Mr. OBEY. Mr. Speaker, I doubt that I will take the full time. But let me simply observe, we have had a budget deal announced by the President of the United States and the leadership of this Congress. That has been met with varying degrees by enthusiasm by different Members of Congress, and yet, whether we are for or against that budget deal, I would hope that every responsible Member would like to see a bipartisan attitude develop for the consideration of that and all others that we deal with this year.

□ 1145

It seems to me that a very important place to start with that bipartisan attitude is on this bill. I do not think we further that cause when this House inserts into this legislation provisions which they know the White House has already announced are poison pills.

I do not much care which party gets credit for some of these provisions that we are going to be debating in the bill today. I do not think that either party gains or loses when we provide aid to regions of the country that are in distress. I think the country gains, and I think those regions gain.

There is no partisan approach to disaster relief, and I personally was happy to see that there will be an amendment offered that tries to restore community development block grant funding to the disaster package which this Congress is going to support. I supported that proposition in the committee. We were stopped from, we were asked by the majority in the committee not to provide an amendment at that time. They promised they would keep an open mind during the process to see whether or not a consensus could develop around it, and that has happened. So the Thune amendment is going to be offered, and I think Members will see bipartisan support for that amendment and a number of others.

I think it is especially dangerous for the House to insert totally extraneous

material, including an amendment which would virtually trash the program which has enabled us to eliminate 4,500 nuclear weapons that were formerly existent in the former Soviet Union. I do not see any reason on God's green Earth why we ought to do that, especially on the basis of 5 minutes of discussion on both sides. That is simply too serious a matter to be handled in such a cavalier and thoughtless fashion.

I also think that it is going to do nothing but delay this proposition when we add to that the CR provision which the White House has already indicated it is going to veto. And I do not think it was fair at all in the way the gentlewoman from Ohio [Ms. KAPTUR] was treated on the WIC amendment. I find it interesting that some of the same folks who originally said that we were being disingenuous when we produced the numbers that indicated that we needed the full funding for WIC, those are some of the same Members who are now saying, "oh, gee whiz, we have to support this through a self-executing rule."

I would also point out that this bill is not going to be paid for. When it left the committee, it was at least paid for on the budget authority side, but because of actions taken in the Committee on Rules, which they had a perfect right to take, this bill, in fact, will not be paid for on either the outlay side or the budget authority side as it leaves the House. I do not think that helps in getting aid to the areas of the country who most need it.

I very regretfully urge that we vote against the rule so that the Committee on Rules can bring us a better rule which will deal with the WIC problem, which will deal with the immigrant problem, which will deal with the other disaster problems, but which will be stripped of most of the extraneous material that can only slow this much-needed proposal down.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding to me.

I would say there are natural disasters and there are human disasters. Certainly a human disaster is one when we cut WIC programs that affect thousands of children and thousands of expectant mothers. I would just say to the Committee on Rules chairman and Members on the Republican side, why did they not allow a bipartisan amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] and the gentlewoman from New Jersey [Mrs. ROUKEMA] to share the credit, to allow debate rather than having a self-executing rule which will gag debate and limit the credit.

I am delighted that the gentleman from California [Mr. RIGGS] is going to help us later on in the fall, but we have an immediate problem right now with

caseload and milk prices and a freeze on disability benefits for children. The problem is right now. I hope in a bipartisan way we would give credit where credit is due to the Members that have worked so hard on this.

Mr. OBEY. Mr. Speaker, I simply note that this rule also denies to the Republican chairman of the Committee on Appropriations the right to offer a very thoughtful and fair-minded substitute on the amendment to be offered on Bosnia. I think that alone is a very good reason to turn down this rule.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding to me and urge Members to vote no on the rule; among other reasons, because it has a self-executing procedure that denies us an opportunity to debate WIC.

It is not a bipartisan effort. It does not allow us to fully consider what is being done in the bill to tap NASA funds and shift those dollars to other places. I find it amusing but sad that there are some who are trying to hold this baby close to their breast but they were nowhere to be seen when the babies were dying in subcommittee and full committee.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Let me just say again, there has been a lot of conversation about the WIC Program in here. I will just say one more time to my very good friend, the gentlewoman from Ohio [Ms. KAPTUR], and she is a good friend, that we have taken her fallback position which takes the funding, the increased funding for WIC, and pays for it out of NASA funds. Here is the amendment. This is an identical amendment to the gentleman from California [Mr. RIGGS]. We tried to self-execute into this rule the names of both the gentleman from California [Mr. RIGGS] and the gentlewoman from Ohio [Ms. KAPTUR] to make it bipartisan. Now there is some complaint about it. Nevertheless, it is in the bill.

Second, let us talk about this continuing resolution for a moment, because again we all know that the Government was shut down 2 years ago and the American public were upset over that. This is an attempt to make sure that that does not happen again.

If the President has changed his mind and he does not care about the Government being shut down, he can veto this supplemental bill. If he does, the bill will come back and no doubt we will take the continuing resolution out. Then it will be the responsibility of the President if the Government is shut down. I do not know how much more fair we can be than this.

Let me just say that the rule is an open rule. It is an open rule, plus we have made amendments in order, some of which may be offered, and some may not. I understand now that the Bosnia amendment may not even be offered,

and it may be postponed and dealt with in the defense authorization bill. If that happens, I am opposed to that, but nevertheless, if that is the consensus viewpoint, then we would not offer the Bosnia amendment. And we would deal with that in coming weeks when the defense authorization bill comes up.

Other than that, this is a totally open rule. It means that any Member of Congress on either side of the aisle can come and offer amendments to cut. They can offer amendments to add. They can offer amendments to cut and offset, but they are not being deprived in any way. That is why Members of Congress should come over, for one reason and one reason only, they should come over and vote for this rule, because it will expedite these moneys going into these areas.

I can guarantee my colleagues that 13 Republicans from the State of New York are going to vote to help those people in North Dakota, South Dakota, and Minnesota that have been deprived, that have been hurt by this flooding, because we know that sometime the shoe may be on the other foot and we may be needing to ask for help, too, just as South Carolina was when there was a hurricane that went through, just as California was helped when they had the earthquakes. We need to help each other.

Having said that, I would like every Member to come over to the floor and vote for this rule, which increases funding for WIC by \$38 million, which is exactly what the President requested. We put it into the rule at his request. Come over here and vote to give these people this aid.

Mr. KOLBE. Mr. Speaker, I rise today in opposition to this rulemaking in order the fiscal year 1997 emergency supplemental appropriations bill. I must oppose it because this rule does not protect section 601 of the committee-passed bill.

For nearly 117 years, Crane & Co. has been awarded the contract to provide the Bureau of Engraving and Printing its currency paper. I certainly do not hold Crane & Co. at fault for that.

However, in fiscal year 1988, a provision of law was added that required the Department of Treasury to purchase currency paper only from American-owned firms and that the paper be manufactured in the United States. The report language accompanying the fiscal year 1988 continuing resolution stated that the company must be 90 percent owned by American citizens—a provision that essentially guaranteed that the family-owned Crane & Co. in Dalton, MA, would be the only company that could, under interpretation of this report language, compete for the currency paper contract. This provision would not allow American-owned companies that are public to compete because it is possible there may be greater than 10 percent foreign interest in the stock.

During the fiscal years 1995 and 1996 hearing cycles, the Treasury Subcommittee heard from the Bureau of Engraving and Printing that the 1988 report language limited competition for the procurement of paper and increased costs to the taxpayer. So, in report language

which accompanied the fiscal year 1996 appropriation for Treasury, Congress promoted competition for the procurement of currency paper by clarifying that American-owned should include companies that are over 50 percent American-owned.

However, the Treasury Department, in a clear attempt to politicize this issue, caved into Massachusetts interests and determined that 1996 report language does not supersede 1988 report language. I ask my colleagues to think about the implications of this Treasury General Counsel decision which says subsequent report language cannot alter earlier report language—a decision that states when Congress gives agencies direction through report language, the administration does not have to abide by that direction.

Thus, we find it necessary to include section 601 of this bill to enforce the 1996 congressional intent through binding bill language.

I am outraged that this rule does not protect section 601 and will allow only one company to compete for the procurement of currency paper. All American-owned companies—not just Crane & Co.

My colleagues should know that the Treasury Department Inspector General has been conducting an audit of contracts between Crane & Co. and the BEP for over 5 years. Not until this week did Crane open up its financial books to the IG who is trying to determine if the taxpayer is getting the best value on procurement of currency paper. We have reason to believe that the profit margin for Crane & Co. is as high as 20 percent—far exceeding the normal rate for Government contracts. In 1996, Crane & Co. agreed to a \$9.7 million settlement with the BEP over unallowable costs which it had charged against previous contracts. This settlement—by itself—should be proof that competition is needed to ensure the best price to taxpayers.

There are more reasons why section 601 should be protected in this rule, but I am confident that this matter will ultimately be resolved in favor of competition between American-owned businesses, and in favor of taxpayers.

I want my colleagues to know that, although this issue seems to have died with the supplemental, it won't be dead for long. I fully intend to pursue open competition among American-owned companies for the production of our Nation's currency and I will not stop until I have succeeded.

Mr. HALL of Ohio. Mr. Speaker, one of the things that is important here is that the bill provides the full \$76 million needed for the WIC Program to avoid cutting off mothers, infants, and children in the current fiscal year. This was done by a Rules Committee amendment that added \$38 million to the original \$38 million reported out of Committee—the very proposal that my Ohio colleague, Congresswoman KAPTUR, and our colleague from New Jersey, Congresswoman ROUKEMA, vigorously fought for over the past 2 months, with stiff resistance until this welcome change of heart on the issue. Due credit should go to Representative KAPTUR and Representative ROUKEMA for their hard work on WIC in this bill, and their strong support for WIC throughout the process. I thank them for ensuring that mothers and children are not thrown off the program and put at nutritional risk during the very time when other assistance is being scaled back.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 193, nays 229, not voting 11, as follows:

[Roll No. 125]

YEAS—193

Aderholt	Goodlatte	Paul
Archer	Goodling	Paxon
Armey	Goss	Pease
Bachus	Greenwood	Peterson (MN)
Baker	Gutierrez	Peterson (PA)
Ballenger	Hansen	Petri
Barcia	Hastert	Pomeroy
Barrett (NE)	Hastings (WA)	Porter
Bartlett	Hayworth	Portman
Barton	Hefley	Pryce (OH)
Bateman	Herger	Quinn
Bereuter	Hobson	Ramstad
Berry	Hoekstra	Regula
Bilbray	Horn	Riggs
Billrakis	Hostettler	Riley
Bliley	Houghton	Rogers
Boehlert	Hunter	Rohrabacher
Boehner	Hyde	Ros-Lehtinen
Bonilla	Inglis	Roukema
Bono	Istook	Royce
Bryant	Jenkins	Ryun
Bunning	Johnson (CT)	Salmon
Burr	Johnson, Sam	Sanford
Burton	Kasich	Saxton
Callahan	Kelly	Scarborough
Calvert	Kim	Schaefer, Dan
Campbell	Klug	Schaffer, Bob
Canady	Knollenberg	Sensenbrenner
Chabot	LaHood	Shadegg
Coble	Largent	Shaw
Coburn	Latham	Shimkus
Combest	LaTourette	Shuster
Cook	Lazio	Skeen
Cox	Leach	Smith (MI)
Crane	Lewis (CA)	Smith (NJ)
Crapo	Lewis (KY)	Smith (OR)
Cunningham	Linder	Smith (TX)
Davis (VA)	Livingston	Smith, Linda
Diaz-Balart	LoBiondo	Snowbarger
Dickey	Lucas	Solomon
Dingell	Manzullo	Spence
Dreier	McCollum	Stearns
Duncan	McCrery	Stump
Dunn	McDade	Sununu
Ehlers	McHugh	Talent
Emerson	McInnis	Tauzin
English	McIntyre	Taylor (NC)
Ensign	McKeon	Thomas
Everett	Meek	Thornberry
Ewing	Metcalfe	Thune
Fawell	Mica	Trafficant
Foley	Miller (FL)	Walsh
Forbes	Minge	Wamp
Fowler	Molinari	Watkins
Fox	Moran (KS)	Watts (OK)
Franks (NJ)	Morella	Weldon (FL)
Frelinghuysen	Myrick	Weller
Gallely	Nethercutt	White
Ganske	Neumann	Whitfield
Gekas	Ney	Wolf
Gibbons	Northup	Wynn
Gilchrest	Nussle	Young (AK)
Gillmor	Olver	Young (FL)
Gilman	Oxley	
Goode	Packard	

NAYS—229

Abercrombie	Barrett (WI)	Blagojevich
Ackerman	Bass	Blumenauer
Allen	Becerra	Blunt
Baessler	Bentsen	Bonior
Baldacci	Berman	Borski
Barr	Bishop	Boswell

Boucher	Hill	Pallone
Boyd	Hilleary	Pappas
Brady	Hilliard	Parker
Brown (CA)	Hinchey	Pascrell
Brown (FL)	Hinojosa	Pastor
Brown (OH)	Hookey	Payne
Camp	Hoyer	Pelosi
Capps	Hulshof	Pickering
Cardin	Hutchinson	Pickett
Carson	Jackson (IL)	Pitts
Castle	Jackson-Lee	Pombo
Chambliss	(TX)	Poshard
Chenoweth	Jefferson	Price (NC)
Christensen	John	Radanovich
Clay	Johnson (WI)	Rahall
Clayton	Johnson, E. B.	Rangel
Clement	Jones	Reyes
Clyburn	Kanjorski	Rivers
Collins	Kaptur	Rodriguez
Condit	Kennedy (MA)	Roemer
Conyers	Kennedy (RI)	Rogan
Cooksey	Kennelly	Rothman
Costello	Kildee	Roybal-Allard
Coyne	Kilpatrick	Rush
Cramer	Kind (WI)	Sabo
Cubin	King (NY)	Sanchez
Cummings	Kingston	Sanders
Danner	Klecza	Sandlin
Davis (FL)	Klink	Sawyer
Davis (IL)	Kolbe	Schumer
Deal	Kucinich	Scott
DeFazio	LaFalce	Serrano
Delahunt	Lampson	Sessions
DeLauro	Lantos	Shays
DeLay	Levin	Sherman
Dellums	Lewis (GA)	Sisisky
Deutsch	Lipinski	Skaggs
Dicks	Lofgren	Slaughter
Dixon	Lowey	Smith, Adam
Doggett	Luther	Snyder
Dooley	Maloney (CT)	Souder
Doolittle	Maloney (NY)	Spratt
Doyle	Manton	Stabenow
Edwards	Markey	Stenholm
Ehrlich	Martinez	Stokes
Engel	Mascara	Strickland
Eshoo	Matsui	Stupak
Etheridge	McCarthy (MO)	Tanner
Evans	McCarthy (NY)	Tauscher
Farr	McDermott	Taylor (MS)
Fattah	McGovern	Thompson
Fazio	McIntosh	Thurman
Filner	McKinney	Tiahrt
Foglietta	McNulty	Tierney
Ford	Meehan	Torres
Frank (MA)	Menendez	Towns
Frost	Millender	Turner
Furse	McDonald	Upton
Gedjenson	Miller (CA)	Velazquez
Gephardt	Mink	Vento
Gonzalez	Moakley	Visclosky
Gordon	Mollohan	Waters
Graham	Moran (VA)	Watt (NC)
Granger	Murtha	Waxman
Green	Nadler	Weldon (PA)
Gutknecht	Neal	Wexler
Hall (OH)	Norwood	Weygand
Hall (TX)	Oberstar	Wicker
Hamilton	Obey	Wise
Harman	Ortiz	Woolsey
Hastings (FL)	Owens	Yates

NOT VOTING—11

Andrews	Flake	Schiff
Buyer	Hefner	Skelton
Cannon	Holden	Stark
DeGette	McHale	

□ 1216

Ms. ESHOO, Mrs. CHENOWETH, and Messrs. PICKERING, SESSIONS, CHRISTENSEN, DAVIS of Florida, ROGAN, MCINTOSH, Ms. GRANGER, and Messrs. NORWOOD, BRADY, GONZALEZ, and PARKER changed their vote from "yea" to "nay."

Mr. COX of California and Mr. HERGER changed their vote from "nay" to "yea."

So the resolution was not agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I wanted to take a moment to advise the body that I have made a decision about the schedule. What I would like to ask our Members to do in consideration of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services and the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] to have an opportunity to bring their team together, that we would spend the next hour entertaining 5-minute special orders, which I expect will be entertaining, and allow them time to prepare to return to the floor and complete the very important work on the housing bill, perhaps even to have that bill completed today.

With the indulgence of all of our Members, I would ask, then, that we go ahead, retire to 5-minute special orders for 1 hour and at that point we can bring that very important work to the floor.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, would my distinguished colleague from Texas tell us when he expects the supplemental to come back to the floor in the form of a rule?

Mr. ARMEY. I appreciate the gentleman's inquiry.

Mr. BONIOR. I did it as nicely as I could.

Mr. ARMEY. Nearly as nice as the gentleman appreciated his inquiry.

We will, of course, be discussing the supplemental and the rule with the Committee on Rules. We would, of course, try to bring that back as soon as possible. I will see what advice I can give to the body later in the day.

Mr. Speaker, if the Members agree, then, we will retire to 5-minute special orders for 1 hour, at which time we will bring up the housing bill again.

## ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 148) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### HOUSE RESOLUTION 148

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Small Business:

Ruben Hinojosa of Texas;

Marion Berry of Arkansas.

To the Committee on Veterans' Affairs: Ciro Rodriguez of Texas.

The resolution was agreed to.



A motion to reconsider was laid on the table.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). The Chair will entertain unanimous-consent requests for 5-minute special orders, alternating sides of the aisle, for 1 hour, without prejudice to the resumption of legislative business.

## WARS ARE TEMPORARY; LANDMINES ARE NOT

(Mr. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAPPS. Mr. Speaker, last month the United Nations Association in my district sponsored an essay contest for high school students on the subject of eliminating land mines.

Land mines are a piece of military weaponry designed to help end wars, but wars are temporary and most mines are not, writes first place winner Andrew Feitt, a 9th grader from Santa Barbara's Laguna Blanca School.

Second place winner Nikolaus Schiffman, a 12th grader from Santa Barbara High School also hit the nail on the head when he wrote, Canada showed such leadership when it hosted the Ottawa Conference in October 1996, and hopefully the United States will make similar gestures.

It is time to eradicate all land mines before they do the same to us, says third place winner and 9th grader, Geren Piltz from Carpenteria High School.

Tomorrow is the first anniversary of the President's announcement that he will seek an international ban on land mines, but we have seen little progress. It is time to get serious about land mines. It is time to join the Canadian process. As my three constituents made clear, we must live without land mines.

Mr. Speaker, I include for the RECORD the essays to which I referred:

WARS ARE TEMPORARY, BUT MINES ARE NOT  
(By Andrew Feitt, Santa Barbara, CA)

The devastating technology of land mines is one that plagues the battlefields and trouble spots of our century. They are a piece of military weaponry designed to help end wars, but wars are temporary, and most mines are not. Even when the conflict draws to a close and old enemies become friends, the mines remain, destroying the lives of simple men, women, and children who might never suspect their hidden presence. Yet what can the U.N. do to end this problem? The global community has tried before, and failed. Will anyone be able to cure the spreading plague of mine warfare?

Every fifteen minutes, it is estimated, a mine explodes and every day some seventy people die as a result. Nor are these combatants, for since the end of the Second World War ninety percent of those killed were civilians. Official government estimates put the number of mines at over 100,000,000, but

they acknowledge there could be many more lying in wait, as of yet undetected. According to Paul Davis, land mines are "... the greatest violators of international humanitarian law, practicing blind terrorism ... they never miss, strike blindly, and go on killing long after hostilities have ended." According to the Protocol II of the UN Inhumane Weapons Convention of 1980, landmines are, like chemical and biological weapons, to be strictly regulated. Many, however, wish to go further believing landmines should be banned outright, like chemical and biological weapons. Other countries, in which landmines constitute a great deal of their exports, believe they should only be regulated. Which side should the U.N. take?

The major supporters of a total ban on all mines, the Scandinavian countries, Ireland, Belgium, and New Zealand, favor an immediate end to production. They are a vocal, if small and seemingly unimportant group, especially when lined up against those from the other extreme, the major producers. China is the most visible, one of the last strongholds of Communism, ever at odds with the Capitalist West. A compromise must be reached if ever any action on landmines is to be taken.

At the 34th North American International Model United Nations Conference, held in Georgetown earlier this year, a topic raised was that of 'smart' mines. I myself had the opportunity to attend this conference, and this particular idea was well-thought and logical. 'Smart' mines, like 'smart' bombs, are weapons of war that can be programmed, i.e. in this case to deactivate themselves after a certain time period has elapsed. For example, if a conflict broke out between North and South Korea, the opposing armies could lay 'smart' mines on the demilitarized zone, activate them, then have them deactivated after nine months. Thus the effects would not be lingering. The best solution to ending the civilian casualties would be a U.N. resolution, passed by the Security Council, banning outright the production, import, and export of all forms of conventional landmines, though not 'smart' mines, and a gradual reduction of those currently in stock. Thus the only potential opponent to this, China, might grudgingly consent or abstain, not wishing to see some of its trading privileges revoked. Already the United Kingdom has declared a moratorium on conventional mine export, excluding the self-destruct or self-neutralizing 'smart' mines. The rest of the world should follow their example.

However, mere resolutions are not the only answer. Even when conventional mines are banned, many others will remain. Acting through non-governmental organizations such as the International Red Cross, the U.N. must help to provide immediate relief to the beleaguered nations. As well, U.N. affiliated organizations like the United Nations Institute for Disarmament Research (UNIDIR) could also be of some assistance. Those countries most ravaged by landmines most often are those with recent, now resolved, conflicts, and often have U.N. observer forces there, whose duties could be expanded to landmine location and destruction.

Thirdly, in order to better address this issue in the world community, an ad hoc body of military and industrial analysts should be established whose sole duty would be to constantly review landmine removal efforts around the world at pinpoint potential trouble spots where large civilian populations are located near dormant minefields. This tribunal could also be entrusted with reviewing the efforts of member nations to end landmine production, and, if a nation fails to comply, suggest some form of economic retribution to the Security Council.

Of course, there is always the ever-present question. Who will pay for all this? Certainly the United Nations, already deep in debt, could not afford to fund all these efforts. There are many nations, such as the United States, that may begin paying back its debt when it sees the U.N. is moving in a productive direction. As well, there are numerous private companies, possibly seeking to invest in such countries as Vietnam, that may fund landmine removal if the minefield occupies the terrain they wish to build on. In 1993, it was a British mine-producing company that sought the U.N.'s permission for landmine removal. Once the U.N. begins this endeavor, there will be little shortage of donations for a noble cause.

In conclusion, while landmines remain an ever-present threat to peace and global security, the campaign against them grows stronger every year.

## A CALL TO DISARM

(By Nikolaus Matthias Schiffman, Santa Barbara, CA)

Recently, much international attention has focused upon the possibility of the instillation of a worldwide ban on the production and utilization of antipersonnel mines. Not too long ago, the general consensus of the people of the world was that landmines were a horrific yet necessary part of military warfare; however—partly due to the recent developments in Somalia—people's general awareness of the devastation and hardship caused by landmines has greatly increased, and, thanks to the efforts of the United Nations and many other non-governmental organizations, the prospect of the complete elimination of landmines no longer seems like a utopian ideal, but instead, a realistic goal to work towards for the year 2000 (a). As an economic and military superpower, it is imperative that the United States assumes a leading role in the United Nations' continuing efforts to establish a ban on antipersonnel landmines.

It is estimated that every year, there are more than 25,000 incidents of people being killed or maimed by landmines, and in most of these cases, the victims are innocent civilians who are living in countries without sufficient medical facilities to deal with the injuries (b). Because of the sheer scope and frequency of these incidents, the United Nations are usually unable to be of direct assistance to the victims. Instead, many non-governmental organizations, such as the International Red Cross, play a key role in helping the victims of landmines. To this extent, many lives and limbs have been saved because a landmine victim was able to get medical help in time (c).

Working with other governments, the United Nations has helped to educate civilians about the dangers of landmines. For example, in January of 1996, the UN Department of Humanitarian Affairs teamed up with the Government of Bosnia-Herzegovina to set up the Mine Action Programme. Plans like the Mine Action Programme devote time and money to educating and increasing people's awareness of landmines, to gathering information and data about the possible locations of landmines, to mechanically removing landmines, and to training specialists who can remove the mines (d). Without programs such as these, the situation with landmines would be much worse than it is today. The United Nations has provided great assistance to countries like Cambodia that lack the technology to properly deal with the problem (e). However, these efforts are not enough. Something else must be done.

Every day, more landmines are planted in the earth than are removed (f). As long as

countries continue producing and planting landmines, people—innocent civilians—will continue to get blown up by them. The casualties and fatalities resulting from landmines will not go away until a worldwide prohibition is put into effect. Some countries, including the United States, have been reluctant to endorse a total ban on landmines, claiming that landmines hold an important role in military warfare. Defense Secretary William Perry said in April of 1996 that the use of antipersonnel landmines by American troops facing North Korea have helped to prevent war (g). However, Perry's logic is a bit self-defeating. Every landmine planted in South Korean soil will come up again sometime, at the possible cost of a human life, and despite the cheap production costs of landmines, which can be purchased for as little as three dollars each, they are much more expensive to remove. The cost of removing a single landmine can exceed one thousand dollars (f). Surely, there must be military alternatives to the use of landmines.

Recently, the United States has been making some indications that it is willing to support a total ban on landmines. On January 20, 1997, President Clinton announced that he will be pursuing a total ban on landmines through a United Nations conference rather than through an outside summit or conference. In this way, it is more likely that certain countries, such as China and Russia, that have been reluctant to agree to a worldwide ban on landmines will be more likely to sign a treaty in agreement (g).

As the strongest military power in the world, the full support and leadership of the United States is necessary if a worldwide ban on landmines is to occur. Canada showed such leadership when it hosted the Ottawa Conference in October of 1996, and hopefully, in the future the United States will make similar gestures in an effort to curb the production of landmines (h). If significant progress is made in the next year, it is possible that we may see all legal production of landmines cease before the next millennium.

The United Nations plays a major role in helping to reduce the destructive effects of landmines. Working with individual governments, agencies such as the UN Department of Peacekeeping Operations and the UN Department of Humanitarian affairs have provided healthcare and education to the people at risk from landmines. As more and more are becoming aware of the senselessness of landmines, the United Nations is gaining support in its quest to achieve a ban on the terrible weapon.

Eventually, a ban on landmines will be enacted. However, as history tends to repeat itself, it is important that the nations of the world learn from their mistakes, and one can only hope that when the next cruel, senseless weapon comes around, we will have the wisdom and the courage to stop its carnage before it starts.

#### THE UNITED NATIONS AND THE ELIMINATION OF LAND MINES

(By Geren, Piltz, Carpenteria, CA)

Globally, it is frightening to think that nuclear land mines are in development. Looking back in history we learn that the land mine, an important weapon of World War II, was an encased explosive charge sometimes laid on the surface of the ground, but usually buried just below the surface. It was triggered by the weight of a passing vehicle or men, by the passage of time, or by remote control. The case is generally circular or square, made of metal or, to combat the magnetic detector, of wood, cardboard, glass or plastics. There are two types of mines: the antitank, to immobilize tanks

and other vehicles, and the antipersonnel, to kill soldiers.

The ancestor of the antitank mine was the artillery shell, buried by the Germans late in World War I to stop British tanks. The antitank mines were developed in Great Britain, the Soviet Union and the United States between 1919 and 1939. They usually contained only five or six pounds of TNT. They could stop a light tank, but had to be used in twos or threes against anything heavier. The true antitank mine, and the first antipersonnel mine, appeared early in World War II. It was an economical way of stopping an enemy or restricting his movements. In 1943 it had become a standard form of warfare. In the Korean War, both the North Korean and the United Nations armies used land mines extensively. In the Vietnam War, the Claymore mine came into general use. Claymores are made of plastic and are small and light. They contain a high-explosive substance and metal pellets that can be aimed in any direction and which have a range of 250 ft. The Claymore can be pushed into the ground or hung from trees, about 36 in. off the ground. A trip wire sets off the charge. Today, a standard U.S. army antitank mine contains between 6 and 12 lbs. of TNT.

The antipersonnel mine is also triggered by weight. They generally contain from 1 to 4 lbs. of explosives and can blow off a man's hand or foot or kill him with flying fragments. They may be a one-stage, simple blast type that explodes in place, or a two-stage fragmentation mine that first fires a container into the air, and then releases a fragmenting explosive charge.

It is time to eradicate all land mines before they do the same to us. Accidents are all too common since a land mine is detonated by disturbing a trip-wire attachment to the mine, or by a delayed-action mechanism. Innocent men and women, whose lives, safety, and freedom we are defending, are being threatened by land mines. And what about the children? Their roads and playing fields are strewn with land mines. Curious, and adventurous, kids wander unknowingly into dangerous situations. Millions of children throughout the world suffer needlessly from lack of food, water and medical care, as billions of dollars are spent on armaments. We take steps to immunize children from diseases, yet we expose them to the possibility of death on their own playgrounds. It has been said that human beings are the softest and weakest targets in war. The innocent always seem to suffer. Our world leaders seem so busy with the vast game of politics that they are forgetting the reason nations and governments exist: to insure the survival of people, to protect their children, to prevent terror. Why gamble with our children and with future generations? Unfortunately, throughout history, nations have sought security by gathering the most powerful weapons available, or so it seems. Land mines do not make us any more secure.

With today's technology, we see a grotesque collection of chemical and biological weapons. Land mines pollute the environment with chemical leakage as well as heavy metals. Recovery is expensive and often not very effective. We need everyone's commitment to eliminate land mines. Everyone is affected by, and can affect, public policies. Serious dialogue can keep alive the basic nerves of our democratic society. As a voice of today's young people, I am actively involved in making our society healthier. If the nerves of a people are dead, then their political vitality is sapped. My own view is, as a conscientious human being, that all warfare is senseless and that young and old alike should look carefully at present strategies for national and world security. We are capable of better protecting our people by

taking global action. I hope to see the day when national security is not measured in military terms. As Americans we have built a dynamic and prosperous society, yet we seem unable to think of, or work for alternatives to war. Conflicts such as war can be solved peacefully. Everyone wants to live. Everyone loves their children. Small steps are important because they can have far-reaching effects. Challenge the experts. Land Mines: we can LIVE without them.

#### THE COURAGE TO STAND ALONE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I am delighted to have this unexpected opportunity at this time of the day to rise and share an occasion with my colleagues. Yesterday, May 13, marked the publication of a book, "The Courage to Stand Alone," by Wei Jingsheng.

For those of our colleagues who are not familiar with Wei Jingsheng, he has been called the Sakarov of China. His book, "The Courage to Stand Alone," is a compilation of some of his previous writings, some earlier from prison and letters that he has written. He is a full-fledged world class champion for democracy. He received, in 1994, the Robert F. Kennedy Human Rights Award. Last year he received the Sakarov award from the European Parliament.

Mr. Wei Jingsheng was sent to jail in 1979 following his peaceful writings about human rights and democratic freedoms. He served nearly 14 years in prison, and then about the time that the Chinese Government was trying to court the Olympics, Mr. Wei Jingsheng was released, only to be re-arrested after the Olympic decision was made.

Mr. Wei Jingsheng was then re-arrested following a meeting that he had with Assistant Secretary of State for Human Rights, John Shattuck. At the time the Chinese Government said that Mr. Wei Jingsheng was arrested for revealing state secrets. The state secret he revealed was to tell a foreign journalist something that had already appeared in the Chinese newspapers. In any event, he has gone back to prison for at least another 14-year sentence.

For most of the time that he has been in prison, about 18 years now, he has been in solitary confinement. The only other people around him from time to time are other prisoners whose duty it is for the Chinese regime to taunt Mr. Wei Jingsheng.

Mr. Wei Jingsheng has written the way the Founding Fathers of our country have written about democratic freedoms being written on the hearts of men. He has done this courageously. He continues to be arrested and re-arrested because he will not recant. He has spoken out against the repressive policies of the regime under Deng Xiaoping and continues not to recant even following the death of Deng.

As I have said, he is a great champion of democracy. I hold his courage

up to the attention of my colleagues one day following the publication of his book. As I say, he has been called the Sakarov of China. Many of us in our lifetime will never meet a person who has risked so much for democracy.

It is interesting to me to see leaders of our Government travel to South Africa and visit the prison at Robin Island where Nelson Mandela was incarcerated. It is like visiting a shrine. That is appropriate. Nelson Mandela is a great hero. Why, then, would these same people not even speak out in support of Wei Jingsheng, who right now is suffering the same plight that Nelson Mandela did for so many years?

Remember the name, Wei Jingsheng, the father of democratic freedoms in China, because he had the courage to stand alone.

Mr. WELDON of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Florida.

Mr. WELDON of Florida. I would like to associate myself with the gentlewoman's remarks. I have been very concerned about the status of this gentleman. Is the gentlewoman familiar with any efforts on the part of the Clinton administration to intervene on his behalf up until this point?

Ms. PELOSI. It is my understanding that in meetings from the higher levels of the Clinton administration that Mr. Wei's case has been brought to the attention of the Chinese regime. Either the attempts on Mr. Wei's behalf have not been forceful enough or, one thing is for sure, they have not been successful.

Mr. WELDON of Florida. One of the things I am concerned about, if the gentlewoman will yield further, is that while there are many Members in this body such as the gentlewoman, the gentleman from Virginia [Mr. WOLF], and the gentleman from New Jersey [Mr. SMITH], who are very concerned about this situation, the issue is not really being taken very seriously by the administration. It really is their responsibility, they run the State Department, to bring pressure to bear on the Communist Chinese.

#### THE AUTOMATIC CONTINUING RESOLUTION

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute.)

Mr. FOGLIETTA. Mr. Speaker, people in the Midwest are making the tough and necessary choices to rebuild their own lives. Everything has been taken from them. They very much need our help right now, but they may not get that help.

Why? Because Washington is playing another one of its cynical games. Senator BYRD was just right when he called the CR an automatic pilot.

□ 1230

It would rescue us from the same public embarrassment they suffered

from last year's Government shut-downs, but it also saves us from having to make the tough choices to balance our budget.

The President has been to North Dakota and knows the need to provide assistance there as soon as possible, but he says that he will veto this bill because of the automatic pilot CR. He is right because it is bad policy, it is a gimmick. It enables us to avoid our constitutional responsibility to make budgets. And if we can lean back on automatic pilot and keep the Government going, how are we ever going to balance the budget?

Let us not play Pennsylvania Ping-Pong. Why do we not invest the time in passing a budget resolution marking up the appropriations bills and getting the job done, not on automatic pilot, but doing the hard work of hard government. That is what we are paid to do.

#### MFN FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, before I get into my 5 minutes I would like to yield to the gentleman from Virginia [Mr. WOLF], if I may.

Mr. WOLF. Mr. Speaker, I thank the gentleman for that, and I just wanted to thank the gentlewoman from California [Ms. PELOSI] for speaking out on Mr. Wei and, second, to say that he was arrested after meeting with John Shattuck from the Clinton administration. After the meeting he was arrested, and I guess I would just say to my colleagues in the House this Congress ought to do something about it.

When Sakharov was under house arrest in the 1980's and Scharansky was in Perm Camp 35, we did resolutions, we did everything, and now we are in the 1990's, in a Republican Congress I might say, so I would say to the leadership on our side we should be doing something to demonstrate that we care.

So I thank the gentleman from Florida [Mr. WELDON] for taking this time, and I thank the gentlewoman from California [Ms. PELOSI] for doing it because this Congress, if we do nothing, we are going to be somewhat complicit in what the Chinese government is doing.

So hopefully the Congress will make this a point of reference and we will talk about it until Mr. Wei is released.

Mr. HOYER. Mr. Speaker, if the gentleman from Florida will yield, I want to thank the gentlewoman from California [Ms. PELOSI] and the gentleman from Florida [Mr. WELDON] for taking this time, and I associate myself with Ms. PELOSI who has been a giant in the leadership on the issue of dealings with China, human rights in China, and in the Far East generally, as someone who has been very involved with my colleague on the Helsinki Commission as we focused on the former Soviet

Union and Sakharov and other heroes of the Helsinki movement, which articulated principles of recognition of human rights in every Nation.

The former Foreign Minister, now the Prime Minister, articulated the fact that the Helsinki final act adopted a premise that it was of concern to all of us how a nation treated its own citizens. Historically, it has been the premise of nations of how they treated the other nation's citizens might be their business, but how they treated their own citizens should not be of their attention.

The fact of the matter is, of course, our world is a better place because nations, and particularly the United States, has taken a focus on how other nations treat their own citizens.

I will be voting against MFN for China, as I have in the past, with some exceptions, when I join the gentlewoman from California [Ms. PELOSI]. But the fact of the matter is we ought to say in the strongest possible terms, as we did to the Soviet Union, "If you treat your citizens badly, you will not be able to deal with us on a business-as-usual basis."

Constructive engagement was not good in South Africa, and I suggest to this administration and previous administrations that constructive engagement, as if we were dealing with nations that adopt our own standards of conduct, should not be the policy of this Government and this Nation.

Mr. WELDON of Florida. Mr. Speaker, I appreciate the comments of the gentleman from Maryland [Mr. HOYER], and the point I was trying to make with the gentlewoman from California [Ms. PELOSI] is that this is an arena or area where leadership from the White House I think is very essential, and I do not believe we are getting that kind of leadership from the administration. I think the leadership is coming from this body, Members like the gentlewoman from California, like the gentleman from Maryland, the gentleman from Virginia, and there is a vacuum in this cause of human rights, and when we have a high ranking State Department official meeting with somebody and then immediately afterward an arrest occurring and then there is really no outcry coming from the Office of the President, the President of the United States himself, that is a problem, and I think it is incumbent upon us, and particularly people within the President's party, to bring pressure to bear on him to take a more aggressive role in this issue and speaking out on it.

Mr. Speaker, the last Democrat President who occupied the White House, Jimmy Carter, had a very, very strong record on doing this, and he would aggressively move on these issues, and I believe we are not seeing the kind of leadership that we need from the White House on this, and I very much appreciate, needless to say, the comments that the gentlewoman has made because this issue is very disturbing to me when we are having a

vote coming up in the next month on MFN for China. It is going to be very difficult for people to justify this in the light of the human rights violations that are occurring in China.

#### RESTORE WIC PROGRAM FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, I would just say that to start my 5 minutes I am delighted to see that we are on 5 minutes because that means that the rule for the bill that we were going to undertake has been defeated.

I think one of the reasons that the rule was defeated was because we did not allow, through the Committee on Rules, the opportunity to offer a bipartisan amendment that would have restored the entire amount of WIC funds, Women, Infant and Children Program funds to make sure that the program continues to help women that are pregnant not deliver anemic or underweight children.

Mr. Speaker, this is one of the best programs and one of the best bipartisan programs that we have in Government, yet the Committee on Rules had locked out and shut down and prohibited us from offering and discussing this bipartisan amendment with the self-executing rule.

So I am delighted that the Committee on Rules now is back to discuss ways by which to improve that bill. I think it was defeated in a bipartisan way, with 43 Republicans joining the Democrats, because we do want to discuss the importance of WIC. We also want to make sure that that bill is not loaded up like a Christmas tree with the branches sagging to the floor with pork barrel ornaments.

So there are two problems with that bill. I am hopeful that we can get that bill back to the floor right away because it does involve natural disaster relief that is very important for a number of States, including States in the Midwest, it involves funding for human disasters, which would help women and children with the restoration of \$38 million in the WIC Program.

Why do we need this funding for the WIC Program? There are a number of reasons. One is because the administration, the White House, recognized, with the help of some Republicans, that we were going to have an increased caseload, that disability payments through Social Security for children were frozen, and that we had increases in milk prices. So we needed to make sure we got this \$38 million put into the WIC Program to ensure that 180,000 children were not cut off from WIC.

Mr. Speaker, we were able to do that defeating the rule in a bipartisan way. I am hopeful that the gentlewoman from Ohio [Ms. KAPTUR], the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentleman from California [Mr. RIGGS] and whoever wants to will

go to the Committee on Rules and make sure that we get a fair rule to discuss and debate this WIC Program, which is a wonderful program to help our women and children throughout this country, and I would be happy at this time to yield to the gentlewoman from Ohio [Ms. KAPTUR] who has done a marvelous job fighting passionately for a wonderful program such as WIC.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from Indiana for his strong support of the WIC program, making sure that there is a funding stream for WIC that is not smoke and mirrors, one that we can depend on and one that is not just invented a few hours before a bill comes to the floor.

I can say that I serve as a member on two of the subcommittees of concern here, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, dealing with the WIC funding, and the Subcommittee on VA, HUD, and Independent Agencies as well, which includes the NASA budget. We never had any kind of hearings with NASA on taking money from that account and placing it in the WIC account.

It was very unclear to us yesterday when we went before the Committee on Rules. We were told, well, maybe they might make a rule in order where we could debate the funding issue. Then it turns out to be a self-executing rule, and when we asked the Committee on Rules yesterday when we testified, well, where is the money coming from, they said, well, we think it may be coming from a NASA account. I said which NASA account? Well, was it the wind tunnel account? They said, well, maybe it is section 8, maybe it is not NASA.

It was very confusing up in the Committee on Rules, and then today we are presented with a self-executing rule where apparently the money is being taken from some NASA account.

This was never, never talked about, as the gentleman from Georgia knows, in our Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, and I can assure the gentleman that as a member of the Subcommittee on VA, HUD, and Independent Agencies, which includes the NASA budget, we never talked about this and had the opportunity to deal with the agency people from NASA.

So I think for those of us who are fighting for the WIC Program and for certainty, not just after next fall, the gentleman from California [Mr. RIGGS] said he wants to hold hearings next fall. We have people being taken off the rolls today around the country, including in his own State of California, where the Governor has written us and said he needs an additional \$27 million just in California alone.

#### SUPPORT FULL FUNDING FOR THE WIC PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to support our Nation's future by calling for full funding for the WIC nutrition program. All too often the debate in this great House of democracy focuses on estimates, projections, baselines, adjustments, or some other technical term that we hear every day. We are asked to ponder piles of paper filled with facts and figures and then make a judgment about how those numbers or how changing those numbers will affect the everyday lives of millions of Americans.

Today I ask that instead we take a moment and focus on the foundation of our Nation, indeed, its future, our children. I think it is more important to focus on the valuable benefits and help services WIC provides to its participants rather than haggling over census numbers and terms like full participation. When discussing the WIC Program, we must remind ourselves that it has a 22-year track record of providing valuable and, in fact, critical services to some of our Nation's most vulnerable citizens. The WIC Program provides specific nutritious foods to at-risk, income-eligible, pregnant, postpartum and breast feeding women, infants and children up to five years of age. WIC gives women and young children the means to obtain highly nutritious food like iron-fortified infant formula, calcium rich milk, eggs, juice, cereal and other staple foods necessary for healthy development. More than food, WIC is designed to influence a lifetime of good nutrition and healthy behavior by providing valuable nutrition education for its participants as well as referrals to other local health and social service organizations.

During pregnancy, Mr. Speaker, one of the most fragile periods in a woman's life, WIC enhances dietary intake, which improves weight gain and the likelihood of a successful pregnancy. After birth, WIC continues to promote the health of infants and is responsible for reducing low birth rate and infant mortality. Children who participate in WIC receive immunizations against childhood diseases at a higher rate than children who are not WIC participants, and WIC also helps to reduce anemia among children.

As we know, children receiving nutritious meals are in a better position to focus on their daily studies. I recently visited an elementary school in my district and spoke with the very people providing meals to students. They, along with many others, told me that proper nutrition is an integral part of our children's educational experience. In this regard WIC has been linked to improve cognitive development among children. Stated plainly, WIC children are more prepared to learn compared to those children who lack proper nutritionally balanced diets.

In short, Mr. Speaker, WIC serves as a safety net for this country's most vulnerable citizens. However, the greatest testament to WIC comes from not from politicians or bureaucrats, but from those who actually participate in the program.

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Allow me to share some comments from a few of the dozens of letters one of the WIC directors in my district received over the past few days. Each of these women felt compelled to write and to urge careful consideration of full funding for WIC.

Erica Miner said that WIC "helped provide my son a better life than what I could before I started the program."

Laura Tadoun praised WIC for "showing me how to eat and drink properly so I could have a healthy baby." She continues, "I don't know how we could have made it without you."

Julia Bruno commented that "thanks to this program, my children are physically and nutritionally well. It is my sincere hope that WIC continues so that in the future we will have healthy, happy children and save money on medical costs."

Tina Donaldo wrote, "If it weren't for the WIC program I wouldn't be able to get by at all."

Finally, Nicole LeBaron pleaded, "Please take this service and the funding that they need into serious consideration before cutting it and cutting the families like myself that depend on it to help their children grow healthy."

These WIC success stories from my Florida district, Mr. Speaker, are representative of the performance of the program as a whole across the country.

However, in this era of budgetary constraints and fiscal conservatism, everything boils down to dollars. And yet on this count, WIC has indeed withstood fiscal scrutiny and, without question, actually increases the return, increases the return on our investment in the program.

Studies have shown that WIC provides a 350 percent return on the tax dollars spent on the program. For example, for every dollar that WIC spends, \$3.50 is saved in expensive neonatal and disability programs. Money spent on pregnant women in WIC produces similar Medicaid savings for newborns and their mothers.

At a time, Mr. Speaker, when we are reducing welfare rolls and stressing personal responsibility, I can think of no better way to encourage fiscal stability and certainty than by supporting and appropriating full funding for the WIC program.

Let me share with my colleagues the words of my good friend, Clara Lawhead. Clara is the Director of Nutrition of WIC Services in Pasco County, FL, in my Ninth Congressional District.

She succinctly explains the problem in my district, in terms we all can understand:

In Florida, we have faced the problem that this year's funding cannot support our cur-

rent caseload and we have already been forced to initiate a reduction in benefits to our WIC participants. This effort was necessary to maintain some level of service to our clients that have already been identified with a medical or nutritional risk. We began in February to carefully evaluate the diet prescription (food package) in milk and fruit juice for low risk clients. The next step is to reduce caseload.

Friends and colleagues, WIC is too important to the future of this Nation to leave to political games.

In short, WIC is supported by many people and continues to be a popular program. It yields tremendous returns on our investments and has been proven, time and time again, to improve the health and well being of pregnant women, infants, and children.

Mr. Speaker, if the greatest sin we commit is erring on the side of caution—on the side of children—I will be proud to make that mistake. I believe many of my colleagues feel the same and will support me in calling for the full \$76 million in supplemental funding for the WIC program.

Let me close with the simple yet eloquent words of Dawn Stamper, who lives in New Port Richey in my congressional district:

Our children are our future and need to be given the best chance and first steps needed to lead a healthy and nutritious life.

Our children are the future. This investment in WIC is one that, at the end of the day, we can all point to with pride, because we did what was right and we did it for the people who sent us here in the first place.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 5. An act to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

H. Con. Res. 66. Concurrent resolution authorizing the use of the Capitol grounds for the sixteenth annual National Peace Officers' Memorial Service.

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the majority leader, announces the appointment of C. John Sobotka, of Mississippi, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the Democratic leader, announces the reappointment of John C. Waugh, of Texas, to the Advisory Committee on the Records of Congress.

#### FEC FUNDING

The SPEAKER pro tempore [Mr. GOODLATTE]. Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, the last action on the rule that has resulted in this time for the Republican leadership

to kind of regroup is very important, because that rule was defeated in a bipartisan vote, and there is no fundamentally more important reason to defeat that rule than the fact that that rule eliminated the need for funding for the Federal Election Commission.

Mr. Speaker, last February, the FEC asked for a supplemental appropriation of \$1.7 million needed to address the campaign abuses from the 1996 campaign, which the Committee on Appropriations granted. Up until last night, there was every indication that the appropriation would go forward. But last night, the Committee on Rules unilaterally, and without warning, left the public hearing and behind closed doors deleted the appropriation for the bill. They did this even after the gentleman from New York [Mrs. MALONEY], the gentleman from Connecticut [Mr. SHAYS] and myself asked that the specific appropriation be included and that certain restrictions be removed.

The FEC funding was the only funding deleted, and it was no accident. This, after all, was the first money that Congress would have appropriated to allow investigations into the congressional campaign abuses to go forward.

Make no mistake. What we have here is a total abuse of process, a total violation of fundamental fairness. In fact, today we now have the majority really committing a double abuse. First, the majority is abusing the legislative process which we were counting on to make sure that the FEC is able to enforce the law as a small first step to clean up our campaign system.

Second, Mr. Speaker, as a result, they are obstructing the FEC's ability to investigate congressional violations of Federal election law. This was a hatchet job, and it is especially outrageous in light of the Congress's alleged outrage over the 1996 campaign and its providing of millions of dollars to investigate politically charged investigations, allegations that have been ongoing over the last several months.

It was interesting, because just last week, Michael Kranish from the Boston Globe reported that an organization created by former Republican Chairman Haley Barbour to boost the GOP's image wrote a fundraising plan that relied partly on newly available documents disclosed. The organization, a Republican think tank called the National Policy Forum, wound up receiving a \$2.2 million loan guarantee from a Hong Kong business and then failed to repay \$500,000. Since that time, the Republican National Committee has agreed to return the money.

When are all of these stories going to stop, and when are we going to do something about campaign finance reform? The Federal Election Commission, and I just left a hearing before the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary where officials from

the FEC reported before that committee that they cannot even get to 68 to 70 percent of the cases because of their inadequate funding.

I am amused by all of the dialog, the political rhetoric, the partisan rhetoric on both sides of the aisle about how we need to have these investigations by Congress, and the only nonpartisan group that is discharged with the responsibility to conduct investigations of congressional campaigns is the FEC. The FEC puts in a request for an appropriation for \$1.7 million in order to get funded, and what does the Congress do?

The Committee on Rules, in the middle of the night, decides we are not going to take this up. This action is outrageous, and when the Republican majority is meeting to try to figure out, they are all meeting, how are we going to get this bill passed, what they ought to do is put the request for the FEC funding into the budget. It is significantly less money than we have appropriated for literally millions of dollars for politically charged investigation. Let us let the FEC do its job, and we ought to start with this supplemental appropriations bill.

Now is the time for Congress to put its money where its mouth is and provide the FEC funding to investigate congressional abuses.

Mr. Speaker, it was the ax last night, nothing less than a midnight massacre, on the obstruction of the process and the ability of the FEC to conduct investigations of the congressional campaigns that were held in 1996. It is an outrage.

I think the fact that this rule was defeated lends credence to the fact that we need to make sure that we fund the FEC if we are serious about conducting fair, nonpartisan investigations and giving the FEC fair enforcement power so that they can do their job. Let us make sure we include that funding.

#### GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 146.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

#### BLM BULLIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, today I want to discuss something so powerful and hurtful that it cripples the economy, puts a stranglehold on businesses and farms, destroys livelihoods and families, and yet seems unstoppable.

The monster that I am discussing is the power that was once granted to Congress in article I, section 1 of the

U.S. Constitution, which reads: All legislative powers herein granted shall be vested in Congress. Today, however, the executive branch of this very Government has taken control of this reserved privilege and holds it captive at the expense of American citizens.

To illustrate my point, I would like to discuss newly assumed police power Secretary of the Interior Bruce Babbitt and the Bureau of Land Management allege to possess. The proposed law enforcement regulations are an attempt to vastly, and in most cases unconstitutionally, expand the BLM's law enforcement authority by increasing the number and types of actions which may result in the violations of law and substantially increase penalties for violation of such regulations.

Let me share with my colleagues, Mr. Speaker, exactly what powers the BLM is commandeering. A story: On July 24, 1994, a family from New Mexico was on a family outing in the Santa Cruz Lake area in the northern part of New Mexico. After fishing and picnicking for 2 hours, the family loaded up their car and were leaving the area when they were stopped by a BLM ranger. According to a complaint filed by the family's attorney, the BLM ranger approached the vehicle carrying a shotgun and ordered everyone out of the car using threats of bodily harm laced with profanity. The BLM ranger fired his shotgun at the car to show that he meant business.

This complaint continues to state that the three men got out of the car and asked why they were being stopped. They asked if it was for fishing without licenses, but they were never asked for their fishing licenses. When a man, woman, and the children tried to leave, the BLM ranger maced the driver and handcuffed him. The driver's mother tried to help her son but was knocked to the ground by the ranger who then stomped on her leg before handcuffing her.

After handcuffing the mother, the BLM ranger went back to the driver and sprayed him again in the face with mace. All this time the children were crying and the ranger yelled at them to shut up. According to the complaint, the BLM ranger said he was going to blow their, and I will delete the expletive, heads off.

It gets worse, Mr. Speaker. When one of the men picked up a child to comfort him, the BLM ranger put a shotgun to the child's head and ordered the man to put the child down. Two other BLM rangers allegedly arrived and began waving their weapons around as well. The BLM rangers refused to say why they had stopped the family in the first place.

The adults were incarcerated, and the BLM ranger did not notify the Attorney General, as they are required to do. Although records at the Santa Fe jail indicate six adults were arrested on charges of assault and hindering a Federal employee, a U.S. magistrate released all those jailed because the BLM

did not produce a written complaint and no formal charges were made. To this day the family has no idea, Mr. Speaker, why they were arrested.

Remember these are Federal public land management employees who are committing these atrocious acts. It becomes very evident that these power hungry bureaucracies have designated themselves unconstitutional police powers without having proper authority or training. The agents are turning into bullies with little respect for public safety or property.

Mr. Speaker, no longer are Americans free. They are chained to the dictatorship of bureaucratic monsters. It is time for Congress to stand up for its constitutional rights and the protection of the American people. This is exactly what I and the Subcommittee on National Parks and Public Lands intend to do tomorrow when we bring the BLM and the Department of the Interior before our committee and the American people.

The regulatory authority now used by these Government agencies to create rule after rule and regulation after regulation has begun to put a stranglehold on the Western part of this country to the extent that it may never breathe again.

#### THE WIC PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Ms. STABENOW] is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise today to commend my colleagues who supported voting no on the rule that came before us that addressed the issue of funding for WIC. Unfortunately, the rule that was in front of us did not guarantee solid, long-term funding for WIC. I am very pleased that the rule was voted down and that we now have an opportunity to come back and do the right thing.

I also rise today, Mr. Speaker, to commend colleagues of mine in a bipartisan basis, the gentlewoman from Ohio [Ms. KAPTUR] and the gentlewoman from New Jersey [Mrs. ROUKEMA], who have worked very hard in a bipartisan way to guarantee that women and children under the WIC Program have the nutritional services and the food that they need in order to be healthy and successful.

My colleague from the other side of the aisle from Florida spoke a few moments ago very eloquently about the need for the WIC Program. I would just add to that. In my years of working in county and State government, I have not felt more confident about any other program of government as I have about the WIC Program. It provides supplementation directly to pregnant women and women and young children up to 5 who are low income and in need of good nutritious food, vegetables, fruit, other nutritional supplementation, eggs, milk, and so on.

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We know without a doubt that for every \$1 we put into prenatal care, much of it is nutritional services to make sure that women are healthy, that babies are healthy. For every \$1 we put into prenatal care we know we save more than \$6 immediately in intensive care costs, many times related to low birthweight babies.

The WIC Program works. It is one that makes sense. It ought not to be a partisan issue. I would strongly urge that my colleagues in the majority come back with a process that we can all support to guarantee WIC funding.

I also need to respond as a member of the Committee on Agriculture for just a moment, because in addition to providing direct nutritional food and services for women and children to guarantee that they are healthy and have a good start in life, this is also a wonderful opportunity to provide additional markets for agricultural products.

Michigan is strong in agriculture. We have more agricultural products that we grow than almost any other State in the Union. We are very proud of the fact that Michigan farmers have expanded markets for fresh produce through the farmers market nutrition program, which in Michigan we call Project Fresh. This is a way for our farmers to provide fresh vegetables, fresh fruit, to women and children who are in need of that, and it also allows them to have another market for their goods, so it works on all accounts.

It is good for agriculture, it is good for families, it saves costs on health care, and I am very hopeful and urge that our colleagues who are determining the way to proceed on the rules regarding WIC funding will come back with an open process that we can embrace in a bipartisan way to guarantee that one of the most cost-effective and one of the most commonsense programs provided through Government, the WIC Program, is allowed to continue in a way that would allow our women and children in this country to be healthy.

#### WILL COCKROACHES BECOME PROTECTED UNDER THE ENDANGERED SPECIES ACT?

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I think we should stop the presses. It appears that the EPA has their facts wrong again. After weeks of chatter about proposed new clean air standards and their urgent necessity, this week we find out that the EPA has been given some incorrect or bogus data, certainly very questionable.

First, they cried that 20,000 people are killed every year by PM 2.5 pollution. Then it was revised to 15,000. The EPA Administrator, Ms. Browner, pa-

raded before the Committee on Appropriations and my subcommittee to tell us how important these tough standards are and why they were needed.

Now we find out it is not 20,000, not even 15,000 lives that are at stake, that we are not even clear as to how many there are. In fact, scientist K. Jones, whose name appears along with some commentary in yesterday's Congress Daily, suggests that because of inadequate research, that EPA's first revision of their data now shows it could be below 1,000, less than 1,000 people are affected by the finer particulate matter pollution.

What is the EPA going to do now that this information has emerged? I believe they are hell-bent on imposing tougher clean air standards on our communities, businesses, and residences, even though the air quality across the country, across America, has improved immensely since we began this quest. After Mr. Jones, a scientist, caught them in their first mistake, how can we really trust the EPA data now when billions of dollars in costs are at stake for our communities?

I believe we have to get the facts straight before asking our local communities to pay up for costly regulatory reform. Also I might add, in addition, this week the New England Journal of Medicine, which is often quoted certainly by EPA as their source, has, it seems, driven another stake into the EPA drive to impose costly tougher air quality standards on us.

After hearing about how many children, for example, are hurt by PM 2.5, this Nation's most respected health journal reports that cockroaches are more of a problem than the air. That is right, cockroaches. The study, and it was not just a short-term study, it was for 10 years, focused on children and found that those exposed to cockroaches are more likely to suffer from asthma. They are over three times more likely to be hospitalized, and 80 percent more likely to have unscheduled doctor visits for asthma. Yet the EPA says it is not the bugs, it is the air. Our communities, businesses, and people are still going to be stuck with the EPA's bill.

I just hope as we rid our communities of the roaches to fight asthma, they do not become protected under the Endangered Species Act.

Let us get the facts straight before we impose new air standards on our communities. One scientist suggests there should be a 5-year moratorium, a 5-year study, before we present any facts, any conclusions.

The EPA seems determined in spite of the conflicting data to move ahead. They seem to have a sense of urgency that is wrapped up in the willingness to accept anything, any information that will justify their personal proposal, their own idea, about what is the proper proposal. They ignore, along the way, common sense and cost as part of the equation.

#### DEVASTATION CAUSED BY FLOODING OF THE RED RIVER IN NORTH DAKOTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. POMEROY] is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, I represent the State of North Dakota. I am the only Representative in Congress that North Dakota has. It is my responsibility to advocate for North Dakota at a time when we are reeling from the worst natural disaster we have ever experienced.

Many of the Members are aware of the pain that we have suffered in light of the floods of the Red River this spring. The national media coverage has documented the destruction of the city of Grand Forks, N.D. These pictures, I believe, tell what words cannot in terms of just what a devastating event this was.

This is a street sign at the corner of Fourth Street and Eighth Avenue. You can see the water right up to the bottom of the sign. At this juncture the water was literally in excess of 6 feet, flooding neighborhoods, street after street after street. Even in areas of town that were not hit with this depth of water, the water still was sufficient to fill basements and come up on the main floor. We are still dealing with the devastation that flood water causes to homes and personal belongings.

At a time when we thought things could not get any worse, they did get worse. Fires broke out in downtown Grand Forks, destroying our historic business district. Eleven buildings burned. A fireman who fought the fire explained it this way. He said it was so unusual, because water is usually the fireman's friend. "In this instance it prevented us from stopping the destruction of these buildings. We were simply incapable of getting our equipment to the fire. Then when we dove below the water to hook up the hoses to the hydrants, water pressure had failed and we had to stand by and watch the buildings burn."

The net result was reflected by this picture, a business district in smoldering ruin, a city standing in water. The water has receded, and the picture that we would see in Grand Forks if we drove around the neighborhoods today is of huge mounds; not mounds of snow that we often see during some of our winters, but mounds of wet, wrecked sheet rock removed from basements and main floors, commingled with belongings, belongings that now appear just as rubble but before the flood were baby pictures, wedding pictures, letters from relatives that may not even be living any longer, priceless family mementoes, the things that make a house a home, all destroyed in the water's wrath.

That has left the people of Grand Forks, N.D. in a very terrible situation. We have literally hundreds of homes in the flood water, and I commend the city leaders because they are



stepping up to the plate, and they are not going to reconstruct everything just as it was, to face the threat of flooding in the future. They want to remake this community. But in order to do that, we need to get on with the program that buys homes in the floodway and pays owners the cash they deserve so they can get on with their lives.

That would have been permitted under the Thune amendment to the disaster bill, had the rule passed. Had the rule passed, we would be debating that right now, and we would be that much closer in terms of getting relief back to those who need it.

Immediately following the disaster there was an outpouring of support across the country the like of which we have never seen in North Dakota. It was followed by the visit by the President of the United States on a Tuesday, the Speaker of the House on a Friday, and the majority leader of the House on the following Monday. Leaders of both political parties came into the area, expressing concern and support for the people as they tried to rebuild their lives. Those people are dealing with some problems that we cannot even imagine. We have to get after this disaster bill in order to address them.

Let me read to the Members a question presented to the city commission the other night at a tumultuous city commission meeting attended by more than 1,100 displaced homeowners: "What am I supposed to do? I have no place to live, I can't make my mortgage payment, I'm commuting 90 miles one way to work, my kids are living with relatives. Will I have a place to live in 3 months, 6 months, a year?" The only answer the mayor and city commissioners could give is, we do not know. Congress is deliberating a disaster package.

I hope that we do not stray from the initial inclination to make a strong bipartisan response in support of people who need help, people who have been devastated with natural disasters, including the floods in Grand Forks. I hope we can rise above the temptation that often so afflicts this body of falling into partisan recriminations and dealing with everything but the thing that ought to be before us. What is before us is disaster relief to people who need it. I urge both parties, all Members of this body, to pass a disaster supplemental bill just as fast as possible. My people really need the help.

#### INTERNATIONAL CHRONIC FATIGUE IMMUNE DYSFUNCTION SYNDROME AWARENESS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I rise today again to ask my colleagues to join with me in recognizing that Monday, May 12, was International Chronic Fatigue Immune Dysfunction Syndrome Awareness Day, a long name for

a disease that is relatively new and still unknown to too many physicians around the world.

Last night on this floor I provided a brief overview of the problems facing chronic fatigue syndrome, or CFIDS, and the dilemma that this debilitating disease poses for so many people. Now I would like to put more of a human face on this malady and share a few of the struggles of some of the individuals that I am privileged to represent on Long Island, a place that has an inordinate number of cases of chronic fatigue syndrome.

Mr. Speaker, as I stated last night, we have several individuals in our area of Long Island that do have an inordinate number of cases in that region. It is absolutely heartbreaking for me to talk with parents and children and neighbors and spouses, too many children, frankly, who suffer from the enduring pain and pervasive weakness brought on by chronic fatigue syndrome.

As Members can imagine, to see vibrant, energetic people stricken with a mysterious ailment that medical professionals frankly have not been able to figure out how they can cure, and too many, too many doctors believe does not exist or may be caused by some other malady is sad and it is confounding.

It makes these people who are suffering from this disease very, very angry, frankly, because it is enough to know that you are bone tired, that every joint in your body hurts, that you cannot lift your head off the pillow anymore, and to be basically dismissed by supposedly intelligent, well-trained physicians that it is depression, or it is something you just need to snap out of.

When we talk to these folks, we understand the very important dilemma that they face. I refer, for example, to Alison Burke, who comes from Coram, Long Island. She is a mother with two children, and she has been stricken with chronic fatigue syndrome. Unfortunately, the high preponderance of these cases actually affect women who are in their thirties, and too many children, as I said previously.

Before chronic fatigue syndrome Alison was an energetic mom with two children. She worked 30 hours a week for a dentist. Then one day she woke up feeling absolutely ill, like she had the flu. She went to the doctor and she had some tests taken, and they all came back normal. He told her she was fine, and he basically said, just snap out of it. Get over your depression. At this point she was just so very weak she could not even walk to the bathroom.

Instead of getting better, her symptoms seemed to get worse. It took all of her energy to just get out of bed and try to take care of her 2-year-old child. Her friends and her family even were getting angry and annoyed at her, wondering, why are you constantly bedridden? Why are you so tired? Why can you not go on with your normal duties?

Finally she found out that chronic fatigue syndrome might, and this was through a newspaper article, might just be the cause. She began attending group meetings, and from those meetings found a doctor, one of the rare doctors, frankly, who understood this disease.

□ 1315

Barry Feinsod of Holtsville, Long Island, his wife was also stricken with chronic fatigue syndrome, and he wrote to me to say that for 6 years his wife has been unable to work. They have gone from doctor to doctor. She cannot even perform some of the most basic duties associated with living a normal life. It has destroyed the family's expectations and dreams for the future, and it has really posed a vexing problem.

Jeannette Crocken of Medford, Long Island, wrote me about her son Jason, who is also afflicted with chronic fatigue syndrome at the age of 10. Doctors did not know what was wrong, and, again, they spent 2 years going from physician to physician and testing that chronic fatigue was maybe the possibility. He has lost his hair, muscle pain, sore throat. It is this kind of vexing dilemma, Mr. Speaker, that really poses a great problem for the people affected and afflicted by this disease.

We spend tens of millions of dollars in very good research over at the National Institutes of Health for all kinds of diseases, hundreds of millions of dollars. Yet chronic fatigue syndrome has only gotten a paltry \$5 million, and there are well over, I would suggest, 2 million people, I have been told; and the number may be actually three times that who have just had the disease but not been diagnosed.

We need to do a better job of researching the symptoms. We know only that it sends the immune system into overdrive, Mr. Speaker. When we see the immune system being shut down, as it is by HIV positive and AIDS, we have to step forward as a nation. We need to do likewise and double the funding for chronic fatigue syndrome.

#### CONGRESSIONAL SUPPORT FOR SUCCESSFUL INS PILOT PROGRAM

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentlewoman from California [Ms. SANCHEZ] is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, I rise today to express my strong support for an INS pilot program in the city of Anaheim, CA, which has successfully identified and deported criminal aliens in city detention facilities in my congressional district.

Yesterday the Immigration and Claims Subcommittee held a hearing to receive testimony regarding the program. The chief of police of the city of Anaheim testified about the success the city has had in removing criminal aliens from my congressional district.

I have consistently advocated that criminal aliens should be quickly and permanently deported. Not only do I support the permanent deportation of criminal aliens, I want them caught before they commit crimes and jeopardize our communities. Without Federal assistance in undertaking this law enforcement effort, criminal aliens could cause undue harm to women, men and children.

The Federal Government should do all it can to avoid burdening State and local police budgets with the cost of identifying, apprehending and deporting criminal aliens.

The pilot program in the city of Anaheim has resulted in a very successful track record of detentions and deportations of criminal aliens. Because I fully endorse the program's success, I contacted the INS and requested that the Anaheim portion of the pilot program be continued. The INS approved my request.

Because of my concerns, I have joined my colleagues in sending a letter to the Committee on the Budget requesting an increase in funding for the State criminal alien assistance program. This program reimburses State and local governments for the costs of incarcerating illegal alien felons. The Federal Government must not waste American taxpayer dollars to pay for the cost of incarcerating violent criminal aliens. We cannot afford to waste scarce law enforcement revenues.

As a fiscal conservative and in the light of the current budget roadblock, Congress must implement a cost-effective program that deploys INS enforcement officers in the most efficient manner. We need to ensure that more criminals are captured earlier and before they have done harm to our people in our districts and before they end up being a burden to our local law enforcement.

#### THE BUDGET AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 5 minutes.

Mr. NEUMANN. Mr. Speaker, I rise to address the budget that is currently being discussed in Washington, DC, and maybe to clean up some misinformation that is floating around out here and provide some very basic elementary facts on what is included in the budget agreement that is currently being worked on and basically been agreed to, short a few final details.

Here is all this budget plan does that is currently being proposed. It balances by the year 2002, has declining deficits for each year starting 1998 and going forward, restores Medicare for a decade so our seniors do not have to go to sleep tonight wondering whether Medicare is going to be there tomorrow. It allows families, all Americans to keep more of their own money instead of sending it to Washington, DC.

This is done in four ways at least. The \$500 per child tax credit is in here.

Capital gains will be reduced, we are hoping, to a number below 20 percent. The death tax reform to allow people to not have to pass away and also see the taxman on the same day is in here. Also, we are hoping to provide a college tuition tax credit to help the many people across this Nation who are paying large college tuition bills this year.

Further, the budget plan does not adjust the CPI. This was a major concern to our senior citizens because, of course, lowering the CPI would reduce cost-of-living adjustments in the future. So there is no CPI adjustment in here. It was a major concern, and it has been addressed and is no longer part of it.

Also in the plan there is discussion and it is laid out exactly how to go about past 2002, paying off the Federal debt. And when we pay off the Federal debt, of course, that means that we also put the money back in the Social Security trust fund that has been taken out. I might add that it was brought to my attention this morning that as we pay off the Federal debt we would also be returning the money to the highway trust fund that has been spent over the last 10 or 15 years as opposed to dedicated to road construction.

As I am out here, there are a lot of things that have developed in this plan. There is an awful lot of misinformation floating around about it. But I think it is time that we look at some of the great things that have happened both under this plan in the last 2 years and how they compare to what happened prior to that.

In the 7 years before 1995, before the Republicans took over Congress, annual spending increases in overall Government was 5.2 percent. Government spending went up 5.2 percent every year. Since the Republicans have taken over in 1995 and as we look at this budget plan, 3.2. So it is a decrease in the amount of growth in Federal Government spending. In inflation adjusted dollars, it was 1.8, and it is all the way down to 0.6. It is a two-thirds reduction in the increases in real-dollar spending of this Government.

I heard some complaints that non-discretionary defense spending is going up too much in this plan. That is not really true either when we look at the facts. We look at the facts before 1995, nondiscretionary defense spending was going up by an average rate of 6.7 percent per year. And under this plan it goes up by 0.9 percent per year, less than 1 percent increase per year. In real dollars, it was 3.2 before 1995, and under this plan it is actually being decreased by 1.5.

A lot of folks talk about us using a rosy scenario to make it look like the budget is balanced. I have good news for everyone in this great country that we live in. The good news is they were not rosy scenario projections that led to the budget getting balanced. The growth in GDP is now being projected 0.2 percent lower than projections we

used in 1995. As a matter of fact, they are very conservative projections. And should the economy continue strong as it is today, the good news is we might very well, under this agreement, reach a balanced budget by 2000 or perhaps even 1999. That is how conservative the projections in this plan are.

One more point I would like to bring to the attention of my colleagues today. Back in 1995, we passed a budget resolution and we declared victory. We said that this is the best thing that could happen to this country because it is going to lead to a balanced budget. We had this idea that, if Government just controlled their growth, they reduced the amount of money they were borrowing out of the private sector, that that would lead to a strong economy in our country.

The theory was, if Government borrowed less, there would be more money available in the private sector. With more money available in the private sector, interest rates would stay low because of increased availability, and with interest rates low, people would start buying more houses and cars and the economy would boom. People would leave the welfare rolls and they would go back to work.

In fact, we find this is no longer a theory, but the model worked better than anyone anticipated. In the budget plan of 1995, we projected a deficit in 1997 of \$174 billion. It turns out this model worked so well that the deficit is all the way down to \$70 billion this year.

I would like to conclude with what I would call the miracle of 1997. I really do think this is a miracle. Before I came to Washington, I would have described this as a miracle. Here is the miracle of 1997.

Between our 1995 projections and today, \$100 billion of unanticipated revenue came in. That is, they collected more revenue because the economy is so strong, \$100 billion more than what was expected. The miracle is this, instead of spending that \$100 billion, every nickel of it went to deficit reduction; and, in fact, that is why the deficit is \$100 billion below what we anticipated back in 1995, when we passed the House budget resolution.

The end result, what this means for our families in America, it means that our kids can look forward to a bright future once again in this great Nation that we live in.

#### PERSIAN GULF WAR SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I briefly wanted to discuss an amendment which I will be introducing as soon as the rule on the supplementary appropriation is fixed, which deals with an emergency situation for gulf war veterans who are really not getting the attention and the understanding that they need in

order to deal with the very serious crisis of Persian Gulf war syndrome.

As we know, Persian Gulf war syndrome is right now affecting some 70,000 of the brave men and women who served this country in the gulf. Mr. Speaker, I am a member of the Subcommittee on Human Resources, which is chaired by the gentleman from Connecticut [Mr. SHAYS], who has done an outstanding job in bringing before the subcommittee some of the leading researchers in this country who are searching for an understanding of Persian Gulf war syndrome.

We have also heard testimony from the Pentagon and the Veterans' Administration. I must say, Mr. Speaker, that the conclusion that I have reached is that, for whatever reason, and I say this unhappily, it is my view that neither the Pentagon nor the Veterans' Administration is going to come up with a solution regarding the problems and the cause of the problems that our Persian Gulf war veterans are suffering from. Nor in my view are they going to come up with an effective treatment.

Mr. Speaker, there is some good news. The good news is that there have been some major scientific breakthroughs in allowing us a better understanding of Persian Gulf war syndrome. Mr. Speaker, the military theater in the Persian Gulf was a horrendous chemical cesspool. Nobody denies that. It is now acknowledged that our troops there were exposed to chemical warfare agents that had been denied for a while, but it is now acknowledged by all.

In addition, they were exposed to leaded petroleum, a widespread use of pesticides, depleted uranium and the dense smoke from burning oil wells. In other words, all around them were very dangerous and toxic chemicals. In addition they were given various vaccines. Perhaps, most importantly, as a result of a waiver from the FDA, they were given pyridostigmine bromide for antinerve gas protection.

Mr. Speaker, an increasing number of scientists now believe that the synergistic effects of these chemical exposures plus the pyridostigmine bromide may well be the major cause of the health problems affecting our soldiers.

The truth is that after 5 years, there has not yet been, to the best of my knowledge, one significant study coming out of the Pentagon or the VA which shows the relationship between chemical exposure in the Persian Gulf and the Persian Gulf syndrome.

On the other hand, and this is where the good news is, there have been a number of important studies done outside of the Pentagon and the VA which makes this important link. I will be introducing these studies into the record so that interested Members can study them. But let me just very briefly mention a few of them.

Dr. Robert Haley of the University of Texas Southwestern Medical Center, based on studies that he has done, believes the syndromes are due to subtle

brain, spinal cord and nerve damage caused by exposure to combinations of low level chemical nerve agents and other chemicals, including pyridostigmine bromide in antinerve gas tablets, DEET in a highly concentrated insect repellent, and pesticides in flea collars that some of the troops wore.

And Doctors Mohammed Abou-Donia and Tom Kurt, of Duke University Medical Center, found in studies that used chickens that two pesticides used in the gulf war, DEET and permethrin, and the antinerve gas agent pyridostigmine bromide, which was given to all troops, were harmless when used alone. However, when used in combination, these chemicals caused neurological deficits in the test animals similar to those reported by some gulf war veterans.

□ 1330

Dr. Satu Somani of the Southern Illinois University School of Medicine states that based on recent experimental proof and historical evidence of symptoms, such as impaired concentration and memory, headache, fatigue and depression of workers in the organophosphate industry, he considers that gulf war syndrome may be due to low dose sarin exposure and the intake of pyridostigmine and exposure to pesticides and other chemicals.

Drs. Garth and Nancy Nicolson of the University of Texas, Houston, found that gulf war veterans who are ill may eventually have their diagnoses linked to chemical exposures in the Persian Gulf, such as oil spills and fires, smoke in military operations, chemicals on clothing, pesticides, chemoprophylactic agents, chemical weapons, and others.

Dr. Claudia Miller and Dr. William Rea of Texas also see a connection between the chemicals that our soldiers were exposed to and gulf war syndrome.

Mr. Chairman, this is an important breakthrough. This research provides an important breakthrough which, in my view, may finally give us the information that we need to understand Persian Gulf war syndrome, which is affecting 70,000 veterans. This is why later this afternoon I will be bringing forward an amendment which asks for \$10 million to go to the National Institute of Health and Environmental Science so that they can pursue this important area of research.

#### HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore [Mr. GIBBONS]. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1332

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. RIGGS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, May 13, 1997, the amendment by the gentleman from Illinois [Mr. DAVIS] had been disposed of and title VII was open for amendment at any point.

Are there further amendments to title VII?

Are there further amendments to the end of the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. KENNEDY of Massachusetts:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Housing Management Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows—

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.

#### TITLE I—PUBLIC HOUSING AND RENT REFORMS

Sec. 101. Establishment of capital and operating funds.

Sec. 102. Determination of rental amounts for residents.

Sec. 103. Minimum rents for public housing and section 8.

Sec. 104. Public housing ceiling rents.

Sec. 105. Disallowance of earned income from public housing and section 8 rent and family contribution determinations.

Sec. 106. Public housing homeownership.

Sec. 107. Public housing agency plan.

Sec. 108. PHMAP indicators for small PHA's.

Sec. 109. PHMAP self-sufficiency indicator.

Sec. 110. Expansion of powers for dealing with PHA's.

Sec. 111. Public housing site-based waiting lists.

Sec. 112. Community service requirements for public housing and section 8 programs.

Sec. 113. Comprehensive improvement assistance program streamlining.

Sec. 114. Flexibility for PHA funding.

Sec. 115. Replacement housing resources.

Sec. 116. Repeal of one-for-one replacement housing requirement.

Sec. 117. Demolition, site revitalization, replacement housing, and tenant-based assistance grants for developments.

Sec. 118. Performance evaluation board.

Sec. 119. Economic development and supportive services for public housing residents.

- Sec. 120. Penalty for slow expenditure of modernization funds.
- Sec. 121. Designation of PHA's as troubled.
- Sec. 122. Volunteer services under the 1937 Act.
- Sec. 123. Authorization of appropriations for operation safe home program.

#### TITLE II—SECTION 8 STREAMLINING

- Sec. 201. Permanent repeal of Federal preferences.
- Sec. 202. Income targeting for public housing and section 8 programs.
- Sec. 203. Merger of tenant-based assistance programs.
- Sec. 204. Section 8 administrative fees.
- Sec. 205. Section 8 homeownership.
- Sec. 206. Welfare to work certificates.
- Sec. 207. Effect of failure to comply with public assistance requirements.
- Sec. 208. Streamlining section 8 tenant-based assistance.
- Sec. 209. Nondiscrimination against certificate and voucher holders.
- Sec. 210. Recapture and reuse of ACC project reserves under tenant-based assistance program.
- Sec. 211. Expanding the coverage of the Public and Assisted Housing Drug Elimination Act of 1990.
- Sec. 212. Study regarding rental assistance.

#### TITLE III—"ONE-STRIKE AND YOU'RE OUT" OCCUPANCY PROVISIONS

- Sec. 301. Screening of applicants.
- Sec. 302. Termination of tenancy and assistance.
- Sec. 303. Lease requirements.
- Sec. 304. Availability of criminal records for public housing tenant screening and eviction.
- Sec. 305. Definitions.
- Sec. 306. Conforming amendments.

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) we have a shared national interest in creating safe, decent and affordable housing because, for all Americans, housing is an essential building block toward holding a job, getting an education, participating in the community, and helping fulfill our national goals;

(2) the American people recognized this shared national interest in 1937, when we created a public housing program dedicated to meeting these needs while creating more hope and opportunity for the American people;

(3) for 60 years America's public housing system has provided safe, decent, and affordable housing for millions of low-income families, who have used public housing as a stepping stone toward greater stability, independence, and homeownership;

(4) today, more than 3,300 local public housing agencies—95 percent of all housing agencies throughout America—are providing a good place for families to live and fulfilling their historic mission;

(5) yet, for all our progress as a nation, today, only one out of four Americans who needs housing assistance receives it;

(6) at the same time, approximately 15 percent of the people who live in public housing nationwide live in housing with management designated as "troubled";

(7) for numerous developments at these troubled public housing agencies and elsewhere, families face a overwhelming mix of crime, drug trafficking, unemployment, and despair, where there is little hope for a better future or a better life;

(8) the past 60 years have resulted in a system where outdated rules and excessive government regulation are limiting our ability to propose innovative solutions and solve problems, not only at the relatively few local public housing agencies designated as troubled, but at the 3,300 that are working well;

(9) obstacles faced by those agencies that are working well—multiple reports and cumbersome regulations—make a compelling case for deregulation and for concentration by the Department of Housing and Urban Development on fulfillment of the program's basic mission;

(10) all told, the Department has drifted from its original mission, creating bureaucratic processes that encumber the people and organizations it is supposed to serve;

(11) under a framework enacted by Congress, the Department has begun major reforms to address these problems, with dramatic results;

(12) public housing agencies have begun to demolish and replace the worst public housing, reduce crime, promote resident self-sufficiency, upgrade management, and end the isolation of public housing developments from the working world;

(13) the Department has also recognized that for public housing to work better, the Department needs to work better, and has begun a major overhaul of its organization, streamlining operations, improving management, building stronger partnerships with state and local agencies and improving its ability to take enforcement actions where necessary to assure that its programs serve their intended purposes; and

(14) for these dramatic reforms to succeed, permanent legislation is now needed to continue the transformation of public housing agencies, strip away outdated rules, provide necessary enforcement tools, and empower the Department and local agencies to meet the needs of America's families.

(b) PURPOSE.—It is the purpose of this Act—

(1) to completely overhaul the framework and rules that were put in place to govern public housing 60 years ago;

(2) to revolutionize the way public housing serves its clients, fits in the community, builds opportunity, and prepares families for a better life;

(3) to reaffirm America's historic commitment to safe, decent, and affordable housing and to remove the obstacles to meeting that goal;

(4) to continue the complete and total overhaul of management of the Department;

(5) to dramatically deregulate and reorganize the Federal Government's management and oversight of America's public housing;

(6) to ensure that local public housing agencies spend more time delivering vital services to residents and less time complying with unessential regulations or filing unessential reports;

(7) to achieve greater accountability of taxpayer funds by empowering the Federal Government to take firmer, quicker, and more effective actions to improve the management of troubled local housing authorities and to crack down on poor performance;

(8) to preserve public housing as a rental resource for low-income Americans, while breaking down the extreme social isolation of public housing from mainstream America;

(9) to provide for revitalization of severely distressed public housing, or its replacement with replacement housing or tenant-based assistance;

(10) to integrate public housing reform with welfare reform so that welfare recipients—many of whom are public housing residents—can better chart a path to independence and self-sufficiency;

(11) to anchor in a permanent statute needed changes that will result in the continued transformation of the public housing and tenant-based assistance programs—including deregulating well-performing housing agencies, ensuring accountability to the public, providing sanctions for poor performers, and providing additional management tools;

(12) to streamline and simplify the tenant-based Section 8 program and to make this program workable for providing homeownership; and

(13) through these comprehensive measures, to reform the United States Housing Act of 1937 and the programs thereunder.

#### TITLE I—PUBLIC HOUSING AND RENT REFORMS

##### SEC. 101. ESTABLISHMENT OF CAPITAL AND OPERATING FUNDS.

(a) CAPITAL FUND.—Section 14(a) of the United States Housing Act of 1937 is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by inserting the paragraph designation "(2)" before "It is the purpose"; and

(3) by inserting the following new paragraph (1) immediately after the subsection designation "(a)":

"(1) The Secretary shall establish a Capital Fund under this section for the purpose of making assistance available to public housing agencies in accordance with this section."

(b) OPERATING FUND.—Section 9(a) of the United States Housing Act of 1937 is amended by striking "SEC. 9. (a)(1)(A) In addition to" and inserting the following:

"SEC. 9. (a) The Secretary shall establish an Operating Fund under this section for the purpose of making assistance available to public housing agencies in accordance with this section."

"(1)(A) In addition to".

##### SEC. 102. DETERMINATION OF RENTAL AMOUNTS FOR RESIDENTS OF PUBLIC HOUSING.

(a) IN GENERAL.—Section 3 of the United States Housing Act of 1937 is amended—

(1) in subsection (a)(1), by revising subparagraph (A) to read as follows:

"(A)(i) if the family is assisted under section 8 of this Act, 30 percent of the family's monthly adjusted income; or

"(ii) if the family resides in public housing, an amount established by the public housing agency not to exceed 30 percent of the family's monthly adjusted income;" and

(2) in subsection (b)(5)—

(A) after the semicolon following subparagraph (F), by inserting "and";

(B) in subparagraph (G), by striking "and" and inserting a period; and

(C) by striking subparagraph (H).

(b) REVISED OPERATING SUBSIDY FORMULA.—The Secretary, in consultation with interested parties, shall establish a revised formula for allocating operating assistance under section 9 of the United States Housing Act of 1937, which formula may include such factors as:

(1) standards for the costs of operation and reasonable projections of income, taking into account the character and location of the public housing project and characteristics of the families served, or the costs of providing comparable services as determined with criteria or a formula representing the operations of a prototype well-managed public housing project;

(2) the number of public housing dwelling units owned and operated by the public housing agency, the percentage of those units that are occupied by very low-income families, and, if applicable, the reduction in the number of public housing units as a result of any conversion to a system of tenant-based assistance;

(3) the degree of household poverty served by a public housing agency;

(4) the extent to which the public housing agency provides programs and activities designed to promote the economic self-sufficiency and management skills of public housing tenants;

(5) the number of dwelling units owned and operated by the public housing agency that are chronically vacant and the amount of assistance appropriate for those units;

(6) the costs of the public housing agency associated with anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(7) the ability of the public housing agency to effectively administer the Operating Fund distribution of the public housing agency;

(8) incentives to public housing agencies for good management;

(9) standards for the costs of operation of assisted housing compared to unassisted housing; and

(10) an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increased while in occupancy and newly admitted families; such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title; in addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except to the extent that such benefit exceeds (A) 100 percent of the total amount of the operating amounts for which the agency is eligible under this section, and (B) the maximum balance permitted for the agency's operating reserve under this section and any regulations issued under this section.

(c) **TRANSITION PROVISION.**—Prior to the establishment and implementation of an operating subsidy formula under subsection (b), if a public housing agency establishes a rental amount that is less than 30 percent of the family's monthly adjusted income pursuant to section 3(a)(1)(A)(ii) of the United States Housing Act of 1937, as amended by subsection (a)(1), the Secretary shall not take into account any reduction of or increase in the public housing agency's per unit dwelling rental income resulting from the use of such rental amount when calculating the contributions under section 9 of the United States Housing Act of 1937 for the public housing agency for the operation of the public housing.

#### **SEC. 103. MINIMUM RENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.**

The second sentence of section 3(a)(1) of the United States Housing Act of 1937 is amended—

(1) at the end of subparagraph (B), by striking "or";

(2) in subsection (C), by striking the period and inserting "; or"; and

(3) by inserting the following at the end:  
“(D) \$25.

Where establishing the rent or family contribution based on subparagraph (D) would otherwise result in undue hardship (as defined by the Secretary or the public housing agency) for one or more categories of affected families described in the next sentence, the Secretary or the public housing agency may exempt one or more such categories from the requirements of this paragraph and may require a lower minimum monthly rental contribution for one or more such categories. The categories of families described in this sentence shall include families subject to situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; (ii) the family would be evicted as a result of the imposition of the minimum rent requirement under subsection (c); (iii) the income of the family has decreased because of changed circumstance, including loss of employment;

and (iv) a death in the family has occurred; and other families subject to such situations as may be determined by the Secretary or the agency. Where the rent or contribution of a family would otherwise be based on subparagraph (D) and a member of the family is an immigrant lawfully admitted for permanent residence (as those terms are defined in sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 8 U.S.C. 1101(a)(20)) who would have been entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, notwithstanding any other provision of this section, a public housing agency shall exempt the family from the requirements of this paragraph.”.

#### **SEC. 104. PUBLIC HOUSING CEILING RENTS.**

(a) Section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by section 402(b)(1) of The Balanced Budget Downpayment Act, I, is amended to read as follows:

“(A) adopt ceiling rents that reflect the reasonable market value of the housing, but that are not less than—

“(i) for housing other than housing predominantly for elderly or disabled families (or both), 75 percent of the monthly cost to operate the housing of the agency;

“(ii) for housing predominantly for elderly or disabled families (or both), 100 percent of the monthly cost to operate the housing of the agency; and

“(iii) the monthly cost to make a deposit to a replacement reserve (in the sole discretion of the public housing agency); and”.

(b) Notwithstanding section 402(f) of The Balanced Budget Downpayment Act, I, the amendments made by section 402(b) of that Act shall remain in effect after fiscal year 1997.

#### **SEC. 105. DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING AND SECTION 8 RENT AND FAMILY CONTRIBUTION DETERMINATIONS.**

(a) **IN GENERAL.**—Section 3 of the United States Housing Act of 1937 is amended—

(1) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of Public Law 101-625); and

(2) by adding at the end the following new subsection:

“(d) **DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING AND SECTION 8 RENT AND FAMILY CONTRIBUTION DETERMINATIONS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, the rent payable under subsection (a) by, the family contribution determined in accordance with subsection (a) for, a family—

“(A) that—

“(i) occupies a unit in a public housing project; or

“(ii) receives assistance under section 8; and

“(B) whose income increases as a result of employment of a member of the family who was previously unemployed for one or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program); may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

“(2) **PHASE-IN OF RATE INCREASES.**—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1)(b) shall be phased in over a subsequent 3-year period.

“(3) **OVERALL LIMITATION.**—Rent payable under subsection (a) shall not exceed the amount determined under subsection (a).”.

(b) **APPLICABILITY OF AMENDMENT.**—

(1) **PUBLIC HOUSING.**—Notwithstanding the amendment made by subsection (a), any tenant of public housing participating in the program under the authority contained in the undesignated paragraph at the end of the section 3(c)(3) of the United States Housing Act of 1937, as that paragraph existed on the day before the date of enactment this Act, shall be governed by that authority after that date.

(2) **SECTION 8.**—The amendments made by subsection (a) shall apply to tenant-based assistance provided by a public housing agency under section 8 of the United States Housing Act of 1937 on and after October 1, 1998, but shall apply only to the extent approved in appropriation Acts.

#### **SEC. 106. PUBLIC HOUSING HOMEOWNERSHIP.**

Section 5(h) of the United States Housing Act of 1937 is amended—

(1) in the first sentence, by striking “lower income tenants,” and inserting the following: “low-income tenants, or to any organization serving as a conduit for sales to such tenants,”; and

(2) by adding the following two sentences at the end: “In the case of purchase by an entity that is an organization serving as a conduit for sales to such tenants, the entity shall sell the units to low-income families within five years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacements.”.

#### **SEC. 107. PUBLIC HOUSING AGENCY PLAN.**

The United States Housing Act of 1937 is amended by inserting after section 5 the following new section:

##### **“SEC. 5A. PUBLIC HOUSING AGENCY PLAN.**

“(a) **CONTENTS OF PLAN.**—(1) Each public housing agency shall submit to the Secretary a public housing agency plan that shall consist of the following parts, as applicable—

“(A) A statement of the housing needs of low-income and very low-income families residing in the community served by the public housing agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

“(B) The procedures for outreach efforts (including efforts that are planned and that have been executed) to homeless families and to entities providing assistance to homeless families, in the jurisdiction of the public housing agency.

“(C) For assistance under section 14, a 5-year comprehensive plan, as described in section 14(e)(1).

“(D) For assistance under section 14, the annual statement, as required under section 14(e)(3).

“(E) An annual description of the public housing agency's plans for the following activities—

“(i) demolition and disposition under section 18;

“(ii) homeownership under section 5(h); and

“(iii) designated housing under section 7.

“(F) An annual submission by the public housing agency consisting of the following information—

“(i) tenant selection admission and assignment policies, including any admission preferences;

“(ii) rent policies, including income and rent calculation methodology, minimum rents, ceiling rents, and income exclusions, disregards, or deductions;

"(iii) any cooperation agreements between the public housing agency and State welfare and employment agencies to target services to public housing residents (public housing agencies shall use best efforts to enter into such agreements); and

"(iv) anti-crime and security plans, including—

"(I) a strategic plan for addressing crime on or affecting the sites owned by the agency, which shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents, shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located, shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities;

"(II) a statement of activities in furtherance of the strategic plan to be carried out with assistance under the Public and Assisted Housing Drug Elimination Act of 1990;

"(III) performance criteria regarding the effective use of such assistance; and

"(IV) any plans for the provision of anti-crime assistance to be provided by the local government in addition to the assistance otherwise required to be provided by the agreement for local cooperation under section 5(e)(2) or other applicable law.

Where a public housing agency has no changes to report in any of the information required under this subparagraph since the previous annual submission, the public agency shall only state in its annual submission that it has made no changes. If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the strategic crime plan for the agency under clause (iv)(I), or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

"(G) Other appropriate information that the Secretary requires for each public housing agency that is—

"(i) at risk of being designated as troubled under section 6(j); or

"(ii) designated as troubled under section 6(j).

"(H) Other information required by the Secretary in connection with the provision of assistance under section 9.

"(I) An annual certification by the public housing agency that it has met the citizen participation requirements under subsection (b).

"(J) An annual certification by the public housing agency that it will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

"(K) An annual certification by the public housing agency that the public housing agency plan is consistent with the approved Consolidated Plan for the locality.

"(2) The Secretary may provide for more frequent submissions where the public housing agency proposes to amend any parts of the public housing agency plan.

"(b) CITIZEN PARTICIPATION REQUIREMENTS.—In developing the public housing agency plan under subsection (a), each public housing agency shall consult with appropriate local government officials and with tenants of the housing projects, which shall include at least one public hearing that shall be held prior to the adoption of the plan, and afford tenants and interested parties an opportunity to summarize their priorities and concerns, to ensure their due consideration in the planning process of the public housing agency.

"(c) PERFORMANCE REPORTS.—The Secretary shall require the public housing agency to submit any information that the Secretary determines is appropriate or necessary to assess the management performance of public housing agencies and resident management corporations under section 6(j) and to monitor assistance provided under this Act. To the maximum extent feasible, the Secretary shall require such information in one report, as part of the annual submission of the agency under subsection (a).

"(d) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—After submission by a public housing agency of a public housing agency plan under subsection (a), the Secretary shall determine whether the plan complies with the requirements under this section. The Secretary may determine that a plan does not comply with the requirements under this section only if—

"(1) the plan is incomplete in significant matters required under this section;

"(2) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

"(3) the Secretary determines that the plan does not comply with Federal law or violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost;

"(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the agency;

"(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the agency;

"(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

"(7) the plan is inconsistent with the requirements of this Act.

"(e) WAIVER AUTHORITY.—The Secretary may waive, or specify alternative requirements for, any requirements under this section that the Secretary determines are burdensome or unnecessary for public housing agencies that only administer tenant-based assistance and do not own or operate public housing."

**SEC. 108. PHMAP INDICATORS FOR SMALL PHA'S.**  
Section 6(j)(1) of the United States Housing Act of 1937 is amended by—

(1) redesignating subparagraphs (A) through (I) as clauses (i) through (ix);

(2) redesignating clauses (I), (2), and (3) in clause (ix), as redesignated by paragraph (1), as subclauses (I), (II), and (III) respectively;

(3) in the fourth sentence, inserting immediately before clause (i), as redesignated, the following new subparagraph:

"(A) For public housing agencies that own or operate 250 or more public housing dwelling units—"; and

(4) adding the following new subparagraph at the end:

"(B) For public housing agencies that own and operate fewer than 250 public housing dwelling units—

"(i) The number and percentage of vacancies within an agency's inventory, including the progress that an agency has made within

the previous 3 years to reduce such vacancies.

"(ii) The percentage of rents uncollected.

"(iii) The ability of the agency to produce and use accurate and timely records of monthly income and expenses and to maintain at least a 3-month reserve.

"(iv) The annual inspection of occupied units and the agency's ability to respond to maintenance work orders.

"(v) Any one additional factor that the Secretary may determine to be appropriate."

**SEC. 109. PHMAP SELF-SUFFICIENCY INDICATOR.**

Section 6(j)(1)(A) of the United States Housing Act of 1937, as amended by section 108 of this Act, is amended at the end by adding the following new clause:

"(x) The extent to which the agency coordinates and promotes participation by families in programs that assist them to achieve self-sufficiency."

**SEC. 110. EXPANSION OF POWERS FOR DEALING WITH PHA'S IN SUBSTANTIAL DEFAULT.**

(a) IN GENERAL.—Section 6(j)(3) of the United States Housing Act of 1937 is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

"(i) solicit competitive proposals from other public housing agencies and private housing management agents which, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary; if appropriate, these proposals shall provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other programs of the agency;"

(B) by redesignating clause (iv) as clause (v) and amending it to read as follows:

"(v) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and families assisted under section 8 for managing all, or part, of the public housing administered by the agency or of the programs of the agency;" and

(C) by inserting a new clause (iv) after clause (iii) to read as follows:

"(iv) take possession of all or part of the public housing agency, including all or part of any project or program of the agency, including any project or program under any other provision of this title; and"; and

(2) by striking subparagraphs (B) through (D) and inserting in lieu thereof the following:

"(B)(i) If a public housing agency is identified as troubled under this subsection, the Secretary shall notify the agency of the troubled status of the agency.

"(ii) Upon the expiration of the 1-year period beginning on the later of the date on which the agency receives notice from the Secretary of the troubled status of the agency under clause (i) and the date of enactment of the Public Housing Management Reform Act of 1997, the Secretary shall—

"(I) in the case of a troubled public housing agency with 1,250 or more units, petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(II) in the case of a troubled public housing agency with fewer than 1,250 units, either—

"(aa) petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(bb) appoint, on a competitive or non-competitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project

or program of the agency), provided the Secretary has taken possession of all or part of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv).

"(C) If a receiver is appointed pursuant to subparagraph (A)(ii), in addition to the powers accorded by the court appointing the receiver, the receiver—

"(i) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the receiver determines that reasonable efforts to renegotiate such contract have failed;

"(ii) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(iii) if determined to be appropriate by the Secretary, may seek the establishment, as permitted by applicable State and local law, of one or more new public housing agencies;

"(iv) if determined to be appropriate by the Secretary, may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies; and

"(v) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default.

"(D)(i) If the Secretary takes possession of all or part of the public housing agency, including all or part of any project or program of the agency, pursuant to subparagraph (A)(iv), the Secretary—

"(I) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the written determination of the Secretary (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the Secretary determines that reasonable efforts to renegotiate such contract have failed;

"(II) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(III) may seek the establishment, as permitted by applicable State and local law, of one or more new public housing agencies;

"(IV) may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies;

"(V) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the Secretary's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default; and

"(VI) shall, without any action by a district court of the United States, have such additional authority as a district court of

the United States would have the authority to confer upon a receiver to achieve the purposes of the receivership.

"(ii) If the Secretary, pursuant to subparagraph (B)(ii)(II)(bb), appoints an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), the Secretary may delegate to the administrative receiver any or all of the powers given the Secretary by this subparagraph, as the Secretary determines to be appropriate.

"(iii) Regardless of any delegation under this subparagraph, an administrative receiver may not seek the establishment of one or more new public housing agencies pursuant to clause (i)(III) or the consolidation of all or part of an agency into other well-managed agencies pursuant to clause (i)(IV), unless the Secretary first approves an application by the administrative receiver to authorize such action.

"(E) The Secretary may make available to receivers and other entities selected or appointed pursuant to this paragraph such assistance as the Secretary determines in the discretion of the Secretary is necessary and available to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety, and welfare of public housing residents or families assisted under section 8. A decision made by the Secretary under this paragraph is not subject to review in any court of the United States, or in any court of any State, territory, or possession of the United States.

"(F) In any proceeding under subparagraph (A)(ii), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of all or part of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, or any other person or appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

"(G) The appointment of a receiver pursuant to this paragraph may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency is capable again of discharging its duties.

"(H) If the Secretary (or an administrative receiver appointed by the Secretary) takes possession of a public housing agency (including all or part of any project or program of the agency), or if a receiver is appointed by a court, the Secretary or receiver shall be deemed to be acting not in the official capacity of that person or entity, but rather in the capacity of the public housing agency, and any liability incurred, regardless of whether the incident giving rise to that liability occurred while the Secretary or receiver was in possession of all or part of the public housing agency (including all or part of any project or program of the agency), shall be the liability of the public housing agency."

(b) EFFECTIVENESS.—The provisions of, and duties and authorities conferred or confirmed by, subsection (a) shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the date of enactment of this Act.

(c) TECHNICAL CORRECTION REGARDING APPLICABILITY TO SECTION 8.—Section 8(h) of the United States Housing Act of 1937 is

amended by inserting after "6" the following: "(except as provided in section 6(j)(3))".

#### SEC. 111. PUBLIC HOUSING SITE-BASED WAITING LISTS.

Section 6 of the United States Housing Act of 1937, as amended by section 306(a)(2) of this Act, is amended by inserting the following new subsection at the end:

"(q) A public housing agency may establish, in accordance with guidelines established by the Secretary, procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system whereby applicants may apply directly at or otherwise designate the development or developments in which they seek to reside. All such procedures must comply with all provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws."

#### SEC. 112. COMMUNITY SERVICE REQUIREMENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

Section 12 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(c) COMMUNITY SERVICE REQUIREMENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.—

"(1) IN GENERAL.—A public housing agency shall encourage each adult member of each family residing in public housing or assisted under section 8 to participate, for not less than 8 hours per month, in community service activities (not to include any political activity) within the community in which that adult resides.

"(2) EXEMPTIONS.—The requirement in paragraph (1) shall not apply to any adult who is—

"(A) at least 62 years of age;

"(B) a person with disabilities who is unable, as determined in accordance with guidelines established by the Secretary, to comply with this subsection;

"(C) working at least 20 hours per week, a student, receiving vocational training, or otherwise meeting work, training, or educational requirements of a public assistance program other than the program specified in subparagraph (E);

"(D) a single parent, grandparent, or the spouse of an otherwise exempt individual, who is the primary caretaker of one or more—

"(i) children who are 6 years of age or younger;

"(ii) persons who are at least 62 years of age; or

"(iii) persons with disabilities; or

"(E) in a family receiving assistance under the Temporary Assistance for Needy Families program under part A of title IV of the Social Security Act."

#### SEC. 113. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM STREAMLINING.

(a) Section 14(d) of the United States Housing Act of 1937 is amended to read as follows:

"(d) No assistance may be made available under subsection (b) to a public housing agency that owns or operates fewer than 250 public housing units unless the agency has submitted a comprehensive plan in accordance with subsection (e)(1) and the Secretary has approved it in accordance with subsection (e)(2). The assistance shall be allocated to individual agencies on the basis of a formula established by the Secretary."

(b) Section 14 (f)(1) is repealed.

(c) Section 14 (g) is amended by striking "(d)(3)" and inserting "(d)".

(d) Section 14(h) is repealed.

(e) Section 14(i) is repealed.

(f) Section 14(k)(1) is amended by striking "\$75,000,000" and inserting "\$100,000,000".



**SEC. 114. FLEXIBILITY FOR PHA FUNDING.**

(a) **EXPANSION OF USES OF FUNDING.**—Section 14(q)(1) of the United States Housing Act of 1937 is amended—

(1) in the first sentence, by inserting after “section 5,” the following “by section 24.”;

(2) in the first sentence, by inserting after “public housing agency,” the following: “except for the provision of tenant-based assistance.”; and

(3) by inserting at the end the following: “Notwithstanding the foregoing, (i) a public housing agency that owns or operates fewer than 250 units may use modernization assistance provided under section 14, development assistance provided under section 5(a), and operating subsidy provided under section 9, for any eligible activity authorized by this Act or by applicable appropriations Acts for a public housing agency, except for assistance under section 8, and (ii) any agency determined to be a troubled agency under section 6(j) may use amounts not appropriated under section 9 for any operating subsidy purpose authorized in section 9 only with the approval of the Secretary and provided that the housing is maintained and operated in a safe and sanitary condition.”.

(b) **MIXED-FINANCE DEVELOPMENT.**—Section 14(q)(2) of such Act is amended to read as follows:

“(2) **MIXED FINANCE PUBLIC HOUSING.**—

“(A) **AUTHORITY.**—The Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to provide for the use of capital and operating assistance provided under section 5, 14, or 9, assistance for demolition, site revitalization, or replacement housing provided under section 24, or assistance under applicable appropriation Acts for a public housing agency, to produce mixed-finance housing developments, or replace or revitalize existing public housing dwelling units with mixed-finance housing developments, but only if the agency submits to the Secretary a plan for such housing that is approved pursuant to subparagraph (C) by the Secretary.

“(B) **MIXED-FINANCE HOUSING DEVELOPMENTS.**—

“(i) For purposes of this paragraph, the term ‘mixed-finance housing’ means low-income housing or mixed-income housing for which the financing for development or revitalization is provided, in part, from entities other than the public housing agency.

“(ii) A mixed-finance housing development shall be produced or revitalized, and owned—

“(I) by a public housing agency or by an entity affiliated with a public housing agency;

“(II) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, is a managing member, or otherwise participates in the activities of the entity;

“(III) by any entity that grants to the public housing agency the option to purchase the public housing project during the 20-year period beginning on the date of initial occupancy of the public housing project in accordance with section 42(l)(7) of the Internal Revenue Code of 1986; or

“(IV) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

This clause may not be construed to require development or revitalization, and ownership, by the same entity.

“(C) **MIXED-FINANCE HOUSING PLAN.**—The Secretary may approve a plan for development or revitalization of mixed-finance housing under this paragraph only if the Secretary determines that—

“(i) the public housing agency has the ability, or has provided for an entity under sub-

paragraph (B)(ii) that has the ability, to use the amounts provided for use under the plan for such housing, effectively, either directly or through contract management;

“(ii) the plan provides permanent financing commitments from a sufficient number of sources other than the public housing agency, which may include banks and other conventional lenders, States, units of general local government, State housing finance agencies, secondary market entities, and other financial institutions;

“(iii) the plan provides for use of amounts provided under subparagraph (A) by the public housing agency for financing the mixed-income housing in the form of grants, loans, advances, or other debt or equity investments, including collateral or credit enhancement of bonds issued by the agency or any State or local governmental agency for development or revitalization of the development; and

“(iv) the plan complies with any other criteria that the Secretary may establish.

“(D) **RENT LEVELS FOR HOUSING FINANCED WITH LOW-INCOME HOUSING TAX CREDIT.**—With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from the Operating or Capital Fund are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

“(E) **CARRY-OVER OF ASSISTANCE FOR REPLACED HOUSING.**—In the case of a mixed-finance housing development that is replacement housing for public housing demolished or disposed of, or is the result of the revitalization of existing public housing, the share of capital and operating assistance received by the public housing agency that owned or operated the housing demolished, disposed of, or revitalized shall not be reduced because of such demolition, disposition, or revitalization after the commencement of such demolition, disposition, or revitalization, unless—

“(i) upon the expiration of the 18-month period beginning upon the approval of the plan under subparagraph (C) for the mixed-finance housing development, the agency does not have binding commitments for development or revitalization, or a construction contract, for such development;

“(ii) upon the expiration of the 4-year period beginning upon the approval of the plan, the mixed-finance housing development is not substantially ready for occupancy and is placed under the annual contributions contract for the agency; or

“(iii) the number of dwelling units in the mixed-finance housing development that are made available for occupancy only by low-income families is substantially less than the number of such dwelling units in the public housing demolished, disposed of, or revitalized.

The Secretary may extend the period under clause (i) or (ii) for a public housing agency if the Secretary determines that circumstances beyond the control of the agency caused the agency to fail to meet the deadline under such clause.”.

(c) **CONFORMING AMENDMENTS.**—Section 14(q) of such Act is amended—

(1) in paragraph (3), by striking “mixed income” and inserting “mixed-finance”; and

(2) in paragraph (4), by striking “mixed-income project” and inserting “mixed-finance development”.

(d) **APPLICABILITY.**—Section 14(q) of the United States Housing Act of 1937, as amended by this section, shall be effective with re-

spect to any assistance provided to the public housing agency under sections 5 and 14 of the United States Housing Act of 1937 and applicable appropriations Acts for a public housing agency.

**SEC. 115. REPLACEMENT HOUSING RESOURCES.**

(a) **OPERATING FUND.**—Section 9(a)(3)(B) of the United States Housing Act of 1937 is amended—

(1) at the end of clause (iv), by striking “and”;

(2) at the end of clause (v), by striking the period and inserting “; and”; and

(3) by inserting at the end the following:

“(vi) where an existing unit under a contract is demolished or disposed of, the Secretary shall adjust the amount the public housing agency receives under this section; notwithstanding this requirement, the Secretary shall provide assistance under this section in accordance with the provisions of section 14(q)(2) (relating to mixed-finance public housing).”.

(b) **COMPREHENSIVE GRANT PROGRAM.**—Section 14(k)(2)(D)(ii) of such Act is amended to read as follows:

“(ii) Where an existing unit under a contract is demolished or disposed of, the Secretary shall adjust the amount the agency receives under the formula. Notwithstanding the preceding sentence, for the five-year period after demolition or disposition, the Secretary may provide for no adjustment, or a partial adjustment, of the amount the agency receives under the formula and shall require the agency to use any additional amount received as a result of this sentence for replacement housing or physical improvements necessary to preserve viable public housing.”.

**SEC. 116. REPEAL OF ONE-FOR-ONE REPLACEMENT HOUSING REQUIREMENT.**

Section 1002(d) of Public Law 104-19 is amended by striking “and on or before September 30, 1997”.

**SEC. 117. DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS.**

Section 24 of the United States Housing Act of 1937 is amended—

(1) by amending the heading to read as follows: “**DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS**”;

(2) by amending subsections (a) through (c) to read as follows:

“(a) **PURPOSE.**—The purpose of this section is to provide assistance to public housing agencies for the purposes of—

“(1) reducing the density and improving the living environment for public housing residents of severely distressed public housing through the demolition of obsolete public housing developments (or portions thereof);

“(2) revitalizing sites (including remaining public housing dwelling units) on which such public housing developments are located and contributing to the improvement of the surrounding neighborhood;

“(3) providing housing that will avoid or decrease the concentration of very low-income families; and

“(4) providing tenant-based assistance in accordance with the provisions of section 8 for the purpose of providing replacement housing and assisting residents to be displaced by the demolition.

“(b) **GRANT AUTHORITY.**—The Secretary may make grants available to public housing agencies as provided in this section.

“(c) **CONTRIBUTION REQUIREMENT.**—The Secretary may not make any grant under this section to any applicant unless the applicant supplements the amount of assistance provided under this section (other than amount

provided for demolition or tenant-based assistance) with an amount of funds from sources other than this Act equal to not less than 5 percent of the amount provided under this section, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided.”;

(3) by amending subsection (d)(1) to read as follows:

“(1) IN GENERAL.—The Secretary may make grants under this subsection to applicants for the purpose of carrying out demolition, revitalization, and replacement programs for severely distressed public housing under this section. The Secretary may make a grant for the revitalization or replacement of public housing only if the agency demonstrates that the neighborhood is or will be a viable residential community, as defined by the Secretary, after completion of the work assisted under this section and any other neighborhood improvements planned by the State or local government or otherwise to be provided. The Secretary may approve grants providing assistance for one eligible activity or a combination of eligible activities under this section, including assistance only for demolition and assistance only for tenant-based assistance in accordance with the provisions of section 8.”;

(4) in subsection (d)(2)(B)—

(A) by striking “the redesign” and inserting “the abatement of environmental hazards, demolition, redesign”; and

(B) by striking “is located” and inserting “is or was located”;

(5) in subsection (d)(2), by redesignating subparagraphs (C) through (I) as subparagraphs (D) through (J), respectively, and inserting the following new subparagraph after subparagraph (B):

“(C) replacement housing, which shall consist of public housing, homeownership units as permitted under the HOPE VI program (as previously authorized in appropriations Acts), tenant-based assistance in accordance with the provisions of section 8, or a combination;”;

(6)(A) in subsection (G), as redesignated by paragraph (5), by inserting before the semicolon the following: “and any necessary supportive services, except that not more than 15 percent of any grant under this subsection may be used for such purposes.”;

(B) by inserting “and” at the end of subsection (H), as redesignated by paragraph (4); and

(C) by striking the semicolon at the end of subsection (I), as redesignated by paragraph (4), and all that follows up to the period;

(7) in paragraph (3), by striking the second sentence;

(8) by amending subsection (d)(4) to read as follows:

“(4) SELECTION CRITERIA.—

“(A) APPLICATIONS FOR DEMOLITION.—The Secretary shall establish selection criteria for applications that request assistance only for demolition, which shall include—

“(i) the need for demolition, taking into account the effect of the distressed development on the public housing agency and the community;

“(ii) the extent to which the public housing agency is not able to undertake such activities without a grant under this section;

“(iii) the extent of involvement of residents and State and local governments in determining the need for demolition; and

“(iv) such other factors as the Secretary determines appropriate.

“(B) APPLICATIONS FOR DEMOLITION, REVITALIZATION, AND REPLACEMENT.—The Secretary shall establish selection criteria for applications that request assistance for a

combination of eligible activities, which shall include—

“(i) the relationship of the grant to the comprehensive plan for the locality;

“(ii) the extent to which the grant will result in a viable development which will foster the economic and social integration of public housing residents and the extent to which the development will enhance the community;

“(iii) the capability and record of the applicant public housing agency, its development team, or any alternative management agency for the agency, for managing large-scale redevelopment or modernization projects, meeting construction timetables, and obligating amounts in a timely manner;

“(iv) the extent to which the public housing agency is not able to undertake such activities without a grant under this section;

“(v) the extent of involvement of residents, State and local governments, private service providers, financing entities, and developers, in the development of a revitalization program for the development;

“(vi) the amount of funds and other resources to be leveraged by the grant; and

“(vii) such other factors as the Secretary determines appropriate.”

“(C) APPLICATIONS FOR TENANT-BASED ASSISTANCE.—Notwithstanding any other provision of this subsection, the Secretary may allocate tenant-based assistance under this section on a non-competitive basis in connection with the demolition or disposition of public housing.”;

(9) by amending subsection (e) to read as follows:

“(e) LONG TERM VIABILITY.—The Secretary may waive or revise rules established under this Act governing the development, management, and operation of public housing units, to permit a public housing agency to undertake measures that enhance the long-term viability of a severely distressed public housing project revitalized under this section; except that the Secretary may not waive or revise the rent limitation under section 3(a)(1)(A) or the targeting requirements under section 16(a).”;

(10) in subsection (f)—

(A) by striking “OTHER” and all that follows through “(I)”;

(B) by striking paragraph (2); and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2);

(11) by striking subsections (g) and (i) and redesignating subsection (h) as subsection (j);

(12) by inserting the following new subsections after subsection (f):

“(g) ADMINISTRATION BY OTHER ENTITIES.—The Secretary may require a grantee under this section to make arrangements satisfactory to the Secretary for use of an entity other than the public housing agency to carry out activities assisted under the revitalization plan, if the Secretary determines that such action will help to effectuate the purposes of this section.

“(h) TIMELY EXPENDITURES.—

“(1) WITHDRAWAL OF FUNDING.—If a grantee under this section or under the HOPE VI program does not sign the primary construction contract for the work included in the grant agreement within 18 months from the date of the grant agreement, the Secretary shall withdraw any grant amounts under the grant agreement which have not been obligated by the grantee. The Secretary shall redistribute any withdrawn amounts to one or more applicants eligible for assistance under this section. The Secretary may grant an extension of up to one additional year from the date of enactment of this Act if the 18-month period has expired as of the date of enactment, for delays caused by factors beyond the control of the grantee.

“(2) COMPLETION.—A grant agreement under this section shall provide for interim checkpoints and for completion of physical activities within four years of execution, and the Secretary shall enforce these requirements through default remedies up to and including withdrawal of funding. The Secretary may, however, provide for a longer timeframe, but only when necessary due to factors beyond the control of the grantee.

“(3) INAPPLICABILITY.—This subsection shall not apply to grants for tenant-based assistance under section 8.

“(i) INAPPLICABILITY OF SECTION 18.—Section 18 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.”;

(13) by amending subsection (j)(1), as redesignated by paragraph (11)—

(A) in subparagraph (C), by inserting after “nonprofit organization,” the following: “private program manager, a partner in a mixed-finance development,”;

(B) at the end of subparagraph (B), after the semicolon, by inserting “and”; and

(C) at the end of subparagraph (C), by striking “; and” and all that follows up to the period;

(14) by amending subsection (j)(5), as redesignated by paragraph (11)—

(A) in subparagraph (A)—

(i) by striking “(i)”;

(ii) by striking clauses (ii) through (iv); and

(iii) by inserting after “physical plant of the project” the following: “, where such distress cannot be remedied through assistance under section 14 because of inadequacy of available funding”;

(B) by amending subparagraph (A), as amended by subparagraph (A) of this paragraph (14), by striking “appropriately” and inserting “inappropriately”; and

(C) by amending subparagraph (B) to read as follows:

“(B) that was a project as described in subparagraph (A) that has been demolished, but for which the Secretary has not provided replacement housing assistance (other than tenant-based assistance).”;

(15) by inserting at the end of subsection (j), as redesignated by paragraph (11), the following new paragraph:

“(6) SUPPORTIVE SERVICES.—The term ‘supportive services’ includes all activities that will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing development involved, including literacy training, job training, day care, and economic development activities.”; and

(16) by inserting the following new subsection at the end:

“(k) TECHNICAL ASSISTANCE AND PROGRAM OVERSIGHT.—Of the amount appropriated for any fiscal year for grants under this section, the Secretary may use up to 2.5 percent for technical assistance, program oversight, and fellowships for on-site public housing agency assistance and supplemental education. Technical assistance may be provided directly or indirectly by grants, contracts, or cooperative agreements, and may include training, and the cost of necessary travel for participants in such training, by or to officials of the Department of Housing and Urban Development, of public housing agencies, and of residents. The Secretary may use amounts under this paragraph for program oversight to contract with private program and construction management entities to assure that development activities are carried out in a timely and cost-effective manner.”.

#### SEC. 118. PERFORMANCE EVALUATION BOARD.

(a) ESTABLISHMENT.—There is hereby established a performance evaluation board to

assist the Secretary of Housing and Urban Development in improving and monitoring the system for evaluation of public housing authority performance, including by studying and making recommendations to the Secretary on the most effective, efficient and productive method or methods of evaluating the performance of public housing agencies, consistent with the overall goal of improving management of the public housing program.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The board shall be composed of at least seven members with relevant experience who shall be appointed by the Secretary as soon as practicable, but not later than 90 days after enactment of this Act.

(2) **APPOINTMENTS.**—In appointing members of the board, the Secretary shall assure that each of the background areas set forth in paragraph (3) are represented.

(3) **BACKGROUNDS.**—Background areas to be represented are—

- (A) major public housing organizations;
- (B) public housing resident organizations;
- (C) real estate management, finance, or development entities; and
- (D) units of general local government.

(c) **BOARD PROCEDURES.**—

(1) **CHAIRPERSON.**—The Secretary shall appoint a chairperson from among members of the board.

(2) **QUORUM.**—A majority of the members of the board shall constitute a quorum for the transaction of business.

(3) **VOTING.**—Each member of the board shall be entitled to one vote, which shall be equal to the vote of each other member of the board.

(4) **PROHIBITION OF ADDITIONAL PAY.**—Members of the board shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the board.

(d) **POWERS.**—

(1) **HEARINGS.**—The board may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the board determines appropriate.

(2) **ASSISTANCE FROM FEDERAL AGENCIES.**—

(A) **INFORMATION.**—The board may request from any agency of the United States, and such agency is authorized to provide, such data and information as the board may require for carrying out its functions.

(B) **STAFF SUPPORT.**—Upon request of the chairperson of the board, to assist the board in carrying out its duties under this section, the Secretary may—

- (i) provide an executive secretariat;
- (ii) assign by detail or otherwise any of the personnel of the Department of Housing and Urban Development; and
- (iii) obtain by personal services contracts or otherwise any technical or other assistance needed to carry out this section.

(e) **ADVISORY COMMITTEE.**—The board shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

(f) **FUNCTIONS.**—The board shall, as needed—

(1) examine and assess the need for further modifications to or replacement of the Public Housing Management Assessment program, established by the Secretary under section 6(j) of the United States Housing Act of 1937;

(2) examine and assess models used in other industries or public programs to assess the performance of recipients of assistance, including accreditation systems, and the applicability of those models to public housing;

(3) develop (either itself, or through another body) standards for professional competency for the public housing industry, in-

cluding methods of assessing the qualifications of employees of public housing authorities, such as systems for certifying the qualifications of employees;

(4) develop a system for increasing the use of on-site physical inspections of public housing developments; and

(5) develop a system for increasing the use of independent audits, as part of the overall system for evaluating the performance of public housing agencies.

(g) **REPORTS.**—

(1) Not later than the expiration of the three-month period beginning upon the appointment of the seventh member of the board, and one year from such appointment, the board shall issue interim reports to the Secretary on its activities. The board shall make its final report and recommendations one year after its second interim report is issued. The final report shall include findings and recommendations of the board based upon the functions carried out under this section.

(2) After the board issues its final report, it may be convened by its chair, upon the request of the Secretary, to review implementation of the performance evaluation system and for other purposes.

(h) **TERM.**—The duration of the board shall be seven years.

(i) **FUNDING.**—The Secretary is authorized to use any amounts appropriated under the head Preserving Existing Housing Investment, or predecessor or successor appropriation accounts, without regard to any earmarks of funding, to carry out this section.

**SEC. 119. ECONOMIC DEVELOPMENT AND SUPPORTIVE SERVICES FOR PUBLIC HOUSING RESIDENTS.**

The United States Housing Act of 1937 is amended by adding the following new section after section 27:

**“SEC. 28. ECONOMIC DEVELOPMENT AND SUPPORTIVE SERVICES FOR PUBLIC HOUSING RESIDENTS.**

“(a) **IN GENERAL.**—To the extent provided in advance in appropriations Acts, the Secretary shall make grants for the purposes of providing a program of supportive services and resident self-sufficiency activities to enable residents of public housing to become economically self-sufficient and to assist elderly persons and persons with disabilities to maintain independent living, to the following eligible applicants:

- “(1) public housing agencies;
- “(2) resident councils;
- “(3) resident management corporations or other eligible resident entities defined by the Secretary;
- “(4) other applicants, as determined by the Secretary; and
- “(5) any partnership of eligible applicants.

“(b) **ELIGIBLE ACTIVITIES.**—Grantees under this section may use grants for the provision of supportive service, economic development, and self-sufficiency activities conducted primarily for public housing residents in a manner that is easily accessible to those residents. Such activities shall include—

- “(1) the provision of service coordinators and case managers;
- “(2) the provision of services related to work readiness, including education, job training and counseling, job search skills, business development training and planning, tutoring, mentoring, adult literacy, computer access, personal and family counseling, health screening, work readiness health services, transportation, and child care;
- “(3) economic and job development, including employer linkages and job placement, and the start-up of resident microenterprises, community credit unions, and revolving loan funds, including the licensing, bonding and insurance needed to operate such enterprises;

“(4) resident management activities, including related training and technical assistance; and

“(5) other activities designed to improve the self-sufficiency of residents, as may be determined in the sole discretion of the Secretary.

“(c) **FUNDING DISTRIBUTION.**—

“(1) **IN GENERAL.**—After reserving such amounts as the Secretary determines to be necessary for technical assistance and clearinghouse services under subsection (d), the Secretary shall distribute any remaining amounts made available under this section on a competitive basis. The Secretary may set a cap on the maximum grant amount permitted under this section, and may limit applications for grants under this section to selected applicants or categories of applicants.

“(2) **SELECTION CRITERIA.**—The Secretary shall establish selection criteria for applications that request assistance for one or more eligible activities under this section, which shall include—

“(A) the demonstrated capacity of the applicant to carry out a program of supportive services or resident empowerment activities;

“(B) the amount of funds and other resources to be leveraged by the grant;

“(C) the extent to which the grant will result in a quality program of supportive services or resident empowerment activities;

“(D) the extent to which any job training and placement services to be provided are coordinated with the provision of such services under the Job Training Partnership Act and the Wagner-Peyser Act; and

“(E) such other factors as the Secretary determines appropriate.

“(3) **MATCHING REQUIREMENT.**—The Secretary may not make any grant under this section to any applicant unless the applicant supplements every dollar provided under this subsection with an amount of funds from sources other than this section equal to at least twice the amount provided under this subsection, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided. Of the supplemental funds furnished by the applicant, not more than 50 percent may be in the form of in-kind services or administrative costs provided.

“(d) **FUNDING FOR TECHNICAL ASSISTANCE.**—The Secretary may set aside a portion of the amounts appropriated under this section, to be provided directly or indirectly by grants, contracts, or cooperative agreements, for technical assistance, which may include training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies, and to residents and to other eligible grantees, and for clearinghouse services in furtherance of the goals and activities of this section.

“(e) **CONTRACT ADMINISTRATORS.**—The Secretary may require resident councils, resident management corporations, or other eligible entities defined by the Secretary to utilize public housing agencies or other qualified organizations as contract administrators with respect to grants provided under this section.”

**SEC. 120. PENALTY FOR SLOW EXPENDITURE OF MODERNIZATION FUNDS.**

Section 14(k)(5) of the United States Housing Act of 1937 is amended to read as follows:

“(5)(A) A public housing agency shall obligate any assistance received under this section within 18 months of the date funds become available to the agency for obligation. The Secretary may extend this time period by no more than one year if an agency's failure to obligate such assistance in a timely manner is attributable to events beyond the

control of the agency. The Secretary may also provide an exception for de minimis amounts to be obligated with the next year's funding; an agency that owns or administers fewer than 250 public housing units, to the extent necessary to permit the agency to accumulate sufficient funding to undertake activities; and any agency, to the extent necessary to permit the agency to accumulate sufficient funding to provide replacement housing.

"(B) A public housing agency shall not be awarded assistance under this section for any month in a year in which it has funds unobligated, in violation of subparagraph (A). During such a year, the Secretary shall withhold all assistance which would otherwise be provided to the agency. If the agency cures its default during the year, it shall be provided with the share attributable to the months remaining in the year. Any funds not so provided to the agency shall be provided to high-performing agencies as determined under section 6(j).

"(C) If the Secretary has consented, before the date of enactment of the Public Housing Management Reform Act of 1997, to an obligation period for any agency longer than provided under this paragraph, an agency which obligates its funds within such extended period shall not be considered to be in violation of subparagraph (A). Notwithstanding any prior consent of the Secretary, however, all funds appropriated in fiscal year 1995 and prior years shall be fully obligated by the end of fiscal year 1998, and all funds appropriated in fiscal years 1996 and 1997 shall be fully obligated by the end of fiscal year 1999.

"(D) A public housing agency shall spend any assistance received under this section within four years (plus the period of any extension approved by the Secretary under subparagraph (A)) of the date funds become available to the agency for obligation. The Secretary shall enforce this requirement through default remedies up to and including withdrawal of the funding. Any obligation entered into by an agency shall be subject to the right of the Secretary to recapture the amounts for violation by the agency of the requirements of this subparagraph."

#### SEC. 121. DESIGNATION OF PHA'S AS TROUBLED.

(a) Section 6(j)(1)(A) of the United States Housing Act of 1937, as amended by sections 108 and 109, is further amended—

(1) in subparagraph (A), by inserting the following after clause (x):

"(xi) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary."; and

(2) in subparagraph (B)—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting the following after clause (iv):

"(v) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary."

(b) Section 6(j)(2)(A)(i) of such Act is amended by inserting the following after the first sentence: "Such procedures shall provide that an agency that does not provide acceptable basic housing conditions shall be designated a troubled public housing agency."

(c) Section 6(j)(2)(A)(i) of such Act is amended in the first sentence—

(1) by inserting before "the performance indicators" the subclause designation "(I)"; and

(2) by inserting before the period the following: "; or (II) such other evaluation system as is determined by the Secretary to assess the condition of the public housing agency or resident management corporation, which system may be in addition to or in

lieu of the performance indicators established under paragraph (1)".

#### SEC. 122. VOLUNTEER SERVICES UNDER THE 1937 ACT.

(a) IN GENERAL.—Section 12(b) of the United States Housing Act of 1937 is amended by striking "that—" and all that follows up to the period and inserting "who performs volunteer services in accordance with the requirements of the Community Improvement Volunteer Act of 1994".

(b) CIVA AMENDMENT.—Section 7305 of the Community Improvement Volunteer Act of 1994 is amended—

(1) in paragraph (5), by striking "and" after the semicolon;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by inserting the following paragraph after paragraph (6):

"(7) the United States Housing Act of 1937."

#### SEC. 123. AUTHORIZATION OF APPROPRIATIONS FOR OPERATION SAFE HOME PROGRAM.

There are authorized to be appropriated to carry out the Operation Safe Home program \$20,000,000 for fiscal year 1998 and such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

#### TITLE II—SECTION 8 STREAMLINING AND OTHER PROGRAM IMPROVEMENTS

##### SEC. 201. PERMANENT REPEAL OF FEDERAL PREFERENCES.

(a) Notwithstanding section 402(f) of The Balanced Budget Downpayment Act, I, the amendments made by section 402(d) of that Act shall remain in effect after fiscal year 1997, except that the amendments made by sections 402(d)(3) and 402(d)(6)(A)(iii), (iv), and (vi) of such Act shall remain in effect as amended by sections 203 and 116 of this Act, and section 402(d)(6)(v) shall be repealed by the amendments made to section 16 of the United States Housing Act of 1937 by section 202 of this Act.

(b) Section 6(c)(4)(A) of the United States Housing Act of 1937, as amended by section 402(d)(1) of The Balanced Budget Downpayment Act, I, is amended by striking "is" and all that follows through "Act" and inserting the following: "shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment under this subparagraph, under section 5A(b), and under the requirements of the approved Consolidated Plan for the locality".

(c) Section 8(d)(1)(A) of the United States Housing Act of 1937, as amended by section 402(d)(2) of The Balanced Budget Downpayment Act, I, is amended by striking "is" and all that follows through "Act" and inserting the following: "shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment under this subparagraph, under section 5A(b), and under the requirements of the approved Consolidated Plan for the locality".

##### SEC. 202. INCOME TARGETING FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

(a) Section 16 of the United States Housing Act of 1937 is amended by revising the heading and subsections (a) through (c) to read as follows:

##### "SEC. 16. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

"(a) PUBLIC HOUSING.—

"(1) PROGRAM REQUIREMENT.—Of the public housing units of a public housing agency made available for occupancy by eligible families in any fiscal year of the agency—

"(A) at least 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the median income for the area; and

"(B) at least 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area; except that, for any fiscal year, the Secretary may reduce to 80 percent the percentage under this subparagraph for a public housing agency if the agency demonstrates to the satisfaction of the Secretary that such reduction would be used for, and would result in, the enhancement of the long-term viability of the housing developments of the agency.

"(2) DEVELOPMENT REQUIREMENT.—At least 40 percent of the units in each public housing development shall be occupied by families with incomes which are less than 30 percent of the median income for the area, except that no family may be required to move to achieve compliance with this requirement.

"(b) SECTION 8 ASSISTANCE.—

"(1) TENANT-BASED, MODERATE REHABILITATION, AND PROJECT-BASED CERTIFICATE ASSISTANCE.—In any fiscal year of a public housing agency, at least 75 percent of all families who initially receive tenant-based assistance from the agency, assistance under the moderate rehabilitation program of the agency, or assistance under the project-based certificate program of the agency shall be families whose incomes do not exceed 30 percent of the median income for the area.

"(2) PROJECT-BASED ASSISTANCE.—Of the dwelling units in a project receiving section 8 assistance, other than assistance described in paragraph (1), that are made available for occupancy by eligible families in any year (as determined by the Secretary)—

"(A) at least 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the median income for the area; and

"(B) at least 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area.

"(c) DEFINITION OF AREA MEDIAN INCOME.—The term 'area median income', as used in subsections (a) and (b), refers to the median income of an area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsections (a) and (b) if the Secretary determines that such variations are necessary because of unusually high or low family incomes."

(b) Section 16 of the United States Housing Act of 1937, as amended by this section, is further amended by inserting the following new heading after subsection designation (d): "APPLICABILITY.—"

##### SEC. 203. MERGER OF TENANT-BASED ASSISTANCE PROGRAMS.

(a) Section 8(o) of the United States Housing Act of 1937 is amended to read as follows:

"(o) RENTAL CERTIFICATES.—(1) A public housing agency may only enter into contracts for tenant-based rental assistance under this Act pursuant to this subsection. The Secretary may provide rental assistance using a payment standard in accordance with this subsection. The payment standard shall be used to determine the monthly assistance which may be paid for any family.

"(2)(A) The payment standard may not exceed the FMR/exception rent limit. The payment standard may not be less than 80 percent of the FMR/exception rent limit.

"(B) The term 'FMR/exception rent limit' means the section 8 existing housing fair market rent published by HUD in accordance with subsection (c)(1) or any exception rent approved by HUD for a designated part of the fair market rent area. HUD may approve an

exception rent of up to 120 percent of the published fair market rent.

“(3)(A) For assistance under this subsection provided by a public housing agency on and after October 1, 1998, to the extent approved in appropriations Acts, the monthly assistance payment for any family that moves to another unit in another complex or moves to a single family dwelling shall be the amount determined by subtracting the family contribution as determined in accordance with section 3(a) from the applicable payment standard, except that such monthly assistance payment shall not exceed the amount by which the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering) exceeds 10 percent of the family's monthly income.

“(B) For any family not covered by subparagraph (A), the monthly assistance payment for the family shall be determined by subtracting the family contribution as determined in accordance with section 3(a) from the lower of the applicable payment standard and the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering).

“(4) Assistance payments may be made only for:

“(A) a family determined to be a very low-income family at the time the family initially receives assistance, or

“(B) another low-income family in circumstances determined by the Secretary.

“(5) If a family vacates a dwelling unit before the expiration of a lease term, no assistance payment may be made with respect to the unit after the month during which the unit was vacated.

“(6) The Secretary shall require that:

“(A) the public housing agency shall inspect the unit before any assistance payment may be made to determine that the unit meets housing quality standards for decent, safe, and sanitary housing established by the Secretary for the purpose of this section, and

“(B) the public housing agency shall make annual or more frequent inspections during the contract term. No assistance payment may be made for a dwelling unit which fails to meet such quality standards.

“(7) The rent for units assisted under this subsection shall be reasonable in comparison with rents charged for comparable units in the private unassisted market. A public housing agency shall review all rents for units under consideration by families assisted under this subsection (and all rent increases for units under lease by families assisted under this subsection) to determine whether the rent (or rent increase) requested by an owner is reasonable. If a public housing agency determines that the rent (or rent increase) for a unit is not reasonable, the agency may not approve a lease for such unit.

“(8) Except as provided in paragraph (2) of this subsection, section 8(c) of this Act does not apply to assistance under this subsection.”

(b) In Section 3(a)(1) of the United States Housing Act of 1937, the second sentence is revised as follows:

(1) by striking “or paying rent under section 8(c)(3)(B)”;

(2) by striking “the highest of the following amounts, rounded to the nearest dollar:” and inserting “and the family contribution for a family assisted under section 8(o) or 8(y) shall be the highest of the following amounts, rounded to the next dollar.”

(c) Section 8(b) of the United States Housing Act is amended—

(1) by striking “Rental Certificates and Other Existing Housing Programs.” and inserting “(1)”; and

(2) by striking the second sentence.

(d) Section 8 of the United States Housing Act of 1937 is amended—

(1) by striking subsection (c)(3)(B);

(2) in subsection (d)(2), by striking subparagraphs (A), (B), (C), (D) and (E); and by redesignating subparagraphs (F), (G) and (H) as subparagraphs (A), (B) and (C) respectively;

(3) in subsection (f)(6), as redesignated by section 306(b)(2) of this Act, by striking “under subsection (b) or (o)”; and

(4) by striking subsection (j).

#### SEC. 204. SECTION 8 ADMINISTRATIVE FEES.

(a) Section 202(a)(1)(A) of the Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act, 1997 is amended by—

(1) striking “7.5 percent” and inserting “7.65 percent”;

(2) striking “a program of” and inserting “one or more such programs totaling”; and

(3) inserting before the final period, “of such total units”.

(b) The amendments made by this section shall be effective as of October 1, 1997.

#### SEC. 205. SECTION 8 HOMEOWNERSHIP.

(a) AMENDMENTS TO SECTION 8(y).—Section 8(y) of the United States Housing Act of 1937 is amended—

(1) in paragraph (1), by striking “A family receiving” through “if the family” and inserting the following: “A public housing agency providing tenant-based assistance on behalf of an eligible family under this section may provide assistance for an eligible family that purchases a dwelling unit (including a unit under a lease-purchase agreement) that will be owned by one or more members of the family, and will be occupied by the family, if the family”;

(2) in paragraph (1)(A), by inserting before the semicolon the following: “, or owns or is acquiring shares in a cooperative”;

(3) in paragraph (1), by amending paragraph (B) to read as follows:

“(B)(i) in the case of disabled families and elderly families, demonstrates that the family has income from employment or other sources, as determined in accordance with requirements of the Secretary, in such amount as may be established by the Secretary; and

“(ii) in the case of other families, demonstrates that the family has income from employment, as determined in accordance with requirements of the Secretary, in such amount as may be established by the Secretary.”;

(4) in paragraph (1)(C), by striking “except as” and inserting “except in the case of disabled families and elderly families and as otherwise”;

(5) in paragraph (1), by inserting at the end the following: “The Secretary or the public housing agency may target assistance under this subsection for program purposes, such as to families assisted in connection with the FHA multifamily demonstration under section 212 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997.”;

(6) by amending paragraph (2) to read as follows:

“(2) DETERMINATION OF AMOUNT OF ASSISTANCE.—The monthly assistance payment for any family shall be the amount determined by subtracting the family contribution as determined under section 3(a) of this Act from the lower of:

“(A) the applicable payment standard, or

“(B) the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, of the family.”;

(7) by redesignating paragraphs (6), (7), and (8), as paragraphs (9), (10), and (11), respectively;

(8) by striking paragraphs (3), (4), and (5) and inserting the following after paragraph (2):

“(3) INSPECTIONS AND CONTRACT CONDITIONS.—Each contract for the purchase of a unit to be assisted under this section shall provide for pre-purchase inspection of the unit by an independent professional and shall require that any cost of necessary repairs shall be paid by the seller. The requirement under section 8(o)(5)(B) for annual inspections of the unit shall not apply to units assisted under this section.

“(4) DOWNPAYMENT REQUIREMENT.—Each public housing agency providing assistance under this subsection shall require that each assisted family make a significant contribution, from its own resources, determined in accordance with guidelines established by the Secretary, to cover all or a portion of the downpayment required in connection with the purchase, which may include credit for work by one or more family members to improve the dwelling (“sweat equity”).

“(5) RESERVE FOR REPLACEMENTS.—The Secretary shall require each family to pay an amount equal to one percent of the monthly amount payable by the family for principal and interest on its acquisition loan into a reserve for repairs and replacements for five years after the date of purchase. Any amounts remaining in the reserve after five years shall be paid to the family.

“(6) APPLICATION OF NET PROCEEDS UPON SALE.—The Secretary shall require that the net proceeds upon sale by a family of a unit owned by the family while it received assistance under this subsection shall be divided between the public housing agency and the family. The Secretary shall establish guidelines for determining the amount to be received by the family and the amount to be received by the agency, which shall take into account the relative amount of assistance provided on behalf of the family in comparison with the amount paid by the family from its own resources. The Secretary shall require the agency to use any amounts received under this paragraph to provide assistance under subsection (o) or this subsection.

“(7) LIMITATION ON SIZE OF PROGRAM.—A public housing agency may permit no more than 10 percent of the families receiving tenant-based assistance provided by the agency to use the assistance for homeownership under this subsection. The Secretary may permit no more than 5 percent of all families receiving tenant-based assistance to use the assistance for homeownership under this subsection.

“(8) OTHER PROGRAM REQUIREMENTS.—The Secretary may establish such other requirements and limitations the Secretary determines to be appropriate in connection with the provision of assistance under this section, which may include limiting the term of assistance for a family. The Secretary may modify the requirements of this subsection where necessary to make appropriate adaptations for lease-purchase agreements. The Secretary shall establish performance measures and procedures to monitor the provision of assistance under this subsection in relation to the purpose of providing homeownership opportunities for eligible families.”;

(9) in paragraph (10)(A), as redesignated by paragraph (7) of this section, is amended—

(A) by striking “dwelling, (ii)” and inserting “dwelling, and (ii)”; and

(B) by striking “, (iii)” and all that follows up to the period; and

(10) by inserting after paragraph (11), as redesignated by paragraph (7) of this section, the following:

“(12) SUNSET.—The authority to provide assistance to additional families under this subsection shall terminate on September 30,

2002. The Secretary shall then prepare a report evaluating the effectiveness of homeownership assistance under this subsection."

(b) **FAMILY SELF-SUFFICIENCY ESCROW.**—Section 23(d)(3) of the United States Housing Act of 1937 is repealed.

**SEC. 206. WELFARE TO WORK CERTIFICATES.**

(a) To the extent of amounts approved in appropriations Acts, the Secretary may provide funding for welfare to work certificates in accordance with this section. "Certificates" means tenant-based rental assistance in accordance with section 8(o) of the United States Housing Act of 1937.

(b) Funding under this section shall be used for a demonstration linking use of such certificate assistance with welfare reform initiatives to help families make the transition from welfare to work, and for technical assistance in connection with such demonstration.

(c) Funding may only be awarded upon joint application by a public housing agency and a State or local welfare agency. Allocation of demonstration funding is not subject to section 213 of the Housing and Community Development Act of 1974.

(d) Assistance provided under this section shall not be taken into account in determining the size of the family self-sufficiency program of a public housing agency under section 23 of the United States Housing Act of 1937.

(e) For purposes of the demonstration, the Secretary may waive, or specify alternative requirements for, requirements established by or under this Act concerning the certificate program, including requirements concerning the amount of assistance, the family contribution, and the rent payable by the family.

**SEC. 207. EFFECT OF FAILURE TO COMPLY WITH PUBLIC ASSISTANCE REQUIREMENTS.**

Section 3(a) of the United States Housing Act of 1937, as amended by section 103, is amended by inserting the following after paragraph (3):

"(4)(A) If the welfare or public assistance benefits of a covered family, as defined in subparagraph (G)(i), are reduced under a Federal, State, or local law regarding such an assistance program because any member of the family willfully failed to comply with program conditions requiring participation in a self-sufficiency program or requiring work activities as defined in subparagraphs (G)(ii) and (iii), the family may not, for the duration of the reduction, have the amount of rent or family contribution determined under this subsection reduced as the result of any decrease in the income of the family (to the extent that the decrease in income is the result of the benefits reduction).

"(B) If the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding the welfare or public assistance program because any member of the family willfully failed to comply with the self-sufficiency or work activities requirements, the portion of the amount of any increase in the earned income of the family occurring after such reduction up to the amount of the reduction for non-compliance shall not result in an increase in the amount of rent or family contribution determined under this subsection during the period the family would otherwise be eligible for welfare or public assistance benefits under the program.

"(C) Any covered family residing in public housing that is affected by the operation of this paragraph shall have the right to review the determination under this paragraph through the administrative grievance procedures established pursuant to section 6(k) of the public housing agency.

"(D) Subparagraph (A) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family receives written notification from the relevant welfare or public assistance agency specifying that the benefits of the family have been reduced because of noncompliance with self-sufficiency program requirements and the level of such reduction.

"(E) Subparagraph (A) shall not apply in any case in which the benefits of a family are reduced because the welfare or public assistance program to which the Federal, State, or local law relates limits the period during which benefits may be provided under the program.

"(F) This paragraph may not be construed to authorize any public housing agency to limit the duration of tenancy in a public housing dwelling unit or of tenant-based assistance.

"(G) For purposes of this section—

"(i) The term 'covered family' means a family that—

"(I) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in a self-sufficiency program or work activities; and

"(II) resides in a public housing dwelling unit or receives assistance under section 8.

"(ii) The term 'self-sufficiency program' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, money or household management, apprenticeship, or other activities.

"(iii) The term 'work activities' means—

"(I) unsubsidized employment;

"(II) subsidized private sector employment;

"(III) subsidized public sector employment;

"(IV) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

"(V) on-the-job training;

"(VI) job search and job readiness assistance;

"(VII) community service programs;

"(VIII) vocational education training (not to exceed 12 months with respect to any individual);

"(IX) job skills training directly related to employment;

"(X) education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of high school equivalency;

"(XI) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and

"(XII) the provision of child care services to an individual who is participating in a community service program."

**SEC. 208. STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE.**

(a) **REPEAL OF TAKE-ONE, TAKE-ALL REQUIREMENT.**—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) **EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.**—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after "section" the following: "(other than a contract for tenant-based assistance)"; and

(2) in the first sentence of paragraph (9), by striking "(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (c))" and inserting "other than a contract for tenant-based assistance under this section".

(c) **ENDLESS LEASE.**—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting "during the term of the lease," after "(ii)"; and

(2) in clause (iii), by striking "provide that" and inserting "during the term of the lease,".

(d) **REPEAL.**—Section 203 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 is hereby repealed.

**SEC. 209. NONDISCRIMINATION AGAINST CERTIFICATE AND VOUCHER HOLDERS.**

In the case of any multifamily rental housing that is receiving, or (except for insurance referred to in paragraph (4)) has received within two years before the effective date of this section, the benefit of Federal assistance from an agency of the United States, the owner shall not refuse to lease a reasonable number of units to families under the tenant-based assistance program under section 8 of the United States Housing Act of 1937 because of the status of the prospective tenants as families under that program. The Secretary shall establish reasonable time periods for applying the requirement of this section, taking into account the total amount of the assistance and the relative share of the assistance compared to the total cost of financing, developing, rehabilitating, or otherwise assisting a project. Federal assistance for purposes of this subsection shall mean—

(1) project-based assistance under the United States Housing Act of 1937;

(2) assistance under title I of the Housing and Community Development Act of 1974;

(3) assistance under title II of the Cranston-Gonzalez National Affordable Housing Act;

(4) mortgage insurance under the National Housing Act;

(5) low-income housing tax credits under section 42 of the Internal Revenue Code of 1986;

(6) assistance under title IV of the Stewart B. McKinney Homeless Assistance Act; and

(7) assistance under any other programs designated by the Secretary of Housing and Urban Development.

**SEC. 210. RECAPTURE AND REUSE OF ACC PROJECT RESERVES UNDER TENANT-BASED ASSISTANCE PROGRAM.**

Section 8(d) of the United States Housing Act of 1937 is amended by inserting at the end the following new paragraph:

"(5) To the extent that the Secretary determines that the amount in the ACC reserve account under a contract with a public housing agency for tenant-based assistance under this section is in excess of the amount needed by the agency, the Secretary shall recapture such excess amount. The Secretary may hold recaptured amounts in reserve until needed to amend or renew such contracts with any agency."

**SEC. 211. EXPANDING THE COVERAGE OF THE PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.**

(a) **SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.**—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading and all that follows through section 5123 and inserting the following:

**"CHAPTER 2—COMMUNITY  
PARTNERSHIPS AGAINST CRIME**

**"SEC. 5121. SHORT TITLE.**

"This chapter may be cited as the 'Community Partnerships Against Crime Act of 1997'.

**"SEC. 5122. PURPOSES.**

"The purposes of this chapter are to—

"(1) improve the quality of life for the vast majority of law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

"(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related; and

"(3) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving.

**"SEC. 5123. AUTHORITY TO MAKE GRANTS.**

"The Secretary of Housing and Urban Development may make grants in accordance with the provisions of this chapter for use in eliminating crime in and around public housing and other federally assisted low-income housing projects to (1) public housing agencies, and (2) private, for-profit and nonprofit owners of federally assisted low-income housing."

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Section 5124(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting "and around" after "used in";

(B) in paragraph (3), by inserting before the semicolon the following: ", including fencing, lighting, locking, and surveillance systems";

(C) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) to investigate crime; and";

(D) in paragraph (6)—

(i) by striking "in and around public or other federally assisted low-income housing projects"; and

(ii) by striking "and" after the semicolon; and

(E) by striking paragraph (7) and inserting the following new paragraphs:

"(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and crime prevention programs involving site residents;

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community in proactive crime control and prevention activities;

"(9) programs and activities for or involving youth, including training, education, recreation and sports, career planning, and entrepreneurship and employment activities and after school and cultural programs; and

"(10) service programs for residents that address the contributing factors of crime, including programs for job training, education, drug and alcohol treatment, and other appropriate social services."

(2) OTHER PHA-OWNED HOUSING.—Section 5124(b) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(b)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "drug-related crime in" and inserting "crime in and around"; and

(ii) by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (10)"; and

(B) in paragraph (2), by striking "drug-related" and inserting "criminal".

(c) GRANT PROCEDURES.—Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended to read as follows:

**"SEC. 5125. GRANT PROCEDURES.**

"(a) PHA'S WITH 250 OR MORE UNITS.—

"(1) GRANTS.—In each fiscal year, the Secretary shall make a grant under this chapter from any amounts available under section 5131(b)(1) for the fiscal year to each of the following public housing agencies:

"(A) NEW APPLICANTS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and has—

"(i) submitted an application to the Secretary for a grant for such fiscal year, which includes a 5-year crime deterrence and reduction plan under paragraph (2); and

"(ii) had such application and plan approved by the Secretary.

"(B) RENEWALS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and for which—

"(i) a grant was made under this chapter for the preceding Federal fiscal year;

"(ii) the term of the 5-year crime deterrence and reduction plan applicable to such grant includes the fiscal year for which the grant under this subsection is to be made; and

"(iii) the Secretary has determined, pursuant to a performance review under paragraph (4), that during the preceding fiscal year the agency has substantially fulfilled the requirements under subparagraphs (A) and (B) of paragraph (4).

Notwithstanding subparagraphs (A) and (B), the Secretary may make a grant under this chapter to a public housing agency that owns or operates 250 or more public housing dwelling units only if the agency includes in the application for the grant information that demonstrates, to the satisfaction of the Secretary, that the agency has a need for the grant amounts based on generally recognized crime statistics showing that (I) the crime rate for the public housing developments of the agency (or the immediate neighborhoods in which such developments are located) is higher than the crime rate for the jurisdiction in which the agency operates, (II) the crime rate for the developments (or such neighborhoods) is increasing over a period of sufficient duration to indicate a general trend, or (III) the operation of the program under this chapter substantially contributes to the reduction of crime.

"(2) 5-YEAR CRIME DETERRENCE AND REDUCTION PLAN.—Each application for a grant under this subsection shall contain a 5-year crime deterrence and reduction plan. The plan shall be developed with the participation of residents and appropriate law enforcement officials. The plan shall describe, for the public housing agency submitting the plan—

"(A) the nature of the crime problem in public housing owned or operated by the public housing agency;

"(B) the building or buildings of the public housing agency affected by the crime problem;

"(C) the impact of the crime problem on residents of such building or buildings; and

"(D) the actions to be taken during the term of the plan to reduce and deter such crime, which shall include actions involving residents, law enforcement, and service providers.

The term of a plan shall be the period consisting of 5 consecutive fiscal years, which begins with the first fiscal year for which funding under this chapter is provided to carry out the plan.

"(3) AMOUNT.—In any fiscal year, the amount of the grant for a public housing agency receiving a grant pursuant to para-

graph (1) shall be the amount that bears the same ratio to the total amount made available under section 5131(b)(1) as the total number of public dwelling units owned or operated by such agency bears to the total number of dwelling units owned or operated by all public housing agencies that own or operate 250 or more public housing dwelling units that are approved for such fiscal year.

"(4) PERFORMANCE REVIEW.—For each fiscal year, the Secretary shall conduct a performance review of the activities carried out by each public housing agency receiving a grant pursuant to this subsection to determine whether the agency—

"(A) has carried out such activities in a timely manner and in accordance with its 5-year crime deterrence and reduction plan; and

"(B) has a continuing capacity to carry out such plan in a timely manner.

"(5) SUBMISSION OF APPLICATIONS.—The Secretary shall establish such deadlines and requirements for submission of applications under this subsection.

"(6) REVIEW AND DETERMINATION.—The Secretary shall review each application submitted under this subsection upon submission and shall approve the application unless the application and the 5-year crime deterrence and reduction plan are inconsistent with the purposes of this chapter or any requirements established by the Secretary or the information in the application or plan is not substantially complete. Upon approving or determining not to approve an application and plan submitted under this subsection, the Secretary shall notify the public housing agency submitting the application and plan of such approval or disapproval.

"(7) DISAPPROVAL OF APPLICATIONS.—If the Secretary notifies an agency that the application and plan of the agency is not approved, not later than the expiration of the 15-day period beginning upon such notice of disapproval, the Secretary shall also notify the agency, in writing, of the reasons for the disapproval, the actions that the agency could take to comply with the criteria for approval, and the deadlines for such actions.

"(8) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to notify an agency of approval or disapproval of an application and plan submitted under this subsection before the expiration of the 60-day period beginning upon the submission of the plan or fails to provide notice under paragraph (7) within the 15-day period under such paragraph to an agency whose application has been disapproved, the application and plan shall be considered to have been approved for purposes of this section.

"(b) PHA'S WITH FEWER THAN 250 UNITS AND OWNERS OF FEDERALLY ASSISTED LOW-INCOME HOUSING.—

"(1) APPLICATIONS AND PLANS.—To be eligible to receive a grant under this chapter, a public housing agency that owns or operates fewer than 250 public housing dwelling units or an owner of federally assisted low-income housing shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require. The application shall include a plan for addressing the problem of crime in and around the housing for which the application is submitted, describing in detail activities to be conducted during the fiscal year for which the grant is requested.

"(2) GRANTS FOR PHA'S WITH FEWER THAN 250 UNITS.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(2), make grants under this chapter to public housing agencies that own or operate fewer than 250 public housing dwelling units and have submitted applications under paragraph (1) that the Secretary



has approved pursuant to the criteria under paragraph (4).

"(3) GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(3), make grants under this chapter to owners of federally assisted low-income housing that have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraphs (4) and (5).

"(4) CRITERIA FOR APPROVAL OF APPLICATIONS.—The Secretary shall determine whether to approve each application under this subsection on the basis of—

"(A) the extent of the crime problem in and around the housing for which the application is made;

"(B) the quality of the plan to address the crime problem in the housing for which the application is made;

"(C) the capability of the applicant to carry out the plan; and

"(D) the extent to which the tenants of the housing, the local government, local community-based nonprofit organizations, local tenant organizations representing residents of neighboring projects that are owned or assisted by the Secretary, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

In each fiscal year, the Secretary may give preference to applications under this subsection for housing made by applicants who received a grant for such housing for the preceding fiscal year under this subsection or under the provisions of this chapter as in effect immediately before the date of the enactment of the Housing Opportunity and Responsibility Act of 1997.

"(5) ADDITIONAL CRITERIA FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria under paragraph (4), the Secretary may establish other criteria for evaluating applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

"(A) relevant differences between the financial resources and other characteristics of public housing agencies and owners of federally assisted low-income housing; or

"(B) relevant differences between the problem of crime in public housing administered by such authorities and the problem of crime in federally assisted low-income housing."

(d) DEFINITIONS.—Section 5126 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11905) is amended—

(1) by striking paragraphs (1) and (2);

(2) in paragraph (4)(A), by striking "section" before "221(d)(4)";

(3) by redesignating paragraphs (3) and (4) (as so amended) as paragraphs (1) and (2), respectively; and

(4) by adding at the end the following new paragraph:

"(3) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given the term in section 3 of the United States Housing Act of 1937."

(e) IMPLEMENTATION.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting "Public Housing Management Reform Act of 1997".

(f) REPORTS.—Section 5128 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11907) is amended—

(1) by striking "drug-related crime in" and inserting "crime in and around"; and

(2) by striking "described in section 5125(a)" and inserting "for the grantee submitted under subsection (a) or (b) of section 5125, as applicable".

(g) FUNDING AND PROGRAM SUNSET.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended by striking section 5130 (42 U.S.C. 11909) and inserting the following new section:

**"SEC. 5130. FUNDING.**

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter \$290,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

"(b) ALLOCATION.—Of any amounts available, or that the Secretary is authorized to use, to carry out this chapter in any fiscal year—

"(1) 85 percent shall be available only for assistance pursuant to section 5125(a) to public housing agencies that own or operate 250 or more public housing dwelling units;

"(2) 10 percent shall be available only for assistance pursuant to section 5125(b)(2) to public housing agencies that own or operate fewer than 250 public housing dwelling units; and

"(3) 5 percent shall be available only for assistance to federally assisted low-income housing pursuant to section 5125(b)(3).

"(c) RETENTION OF PROCEEDS OF ASSET FORFEITURES BY INSPECTOR GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law affecting the crediting of collections, the proceeds of forfeiture proceedings and funds transferred to the Office of Inspector General of the Department of Housing and Urban Development, as a participating agency, from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, shall be deposited to the credit of the Office of Inspector General for Operation Safe Home activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended."

(h) CONFORMING AMENDMENTS.—The table of contents in section 5001 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4295) is amended—

(1) by striking the item relating to the heading for chapter 2 of subtitle C of title V and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME";

(2) by striking the item relating to section 5122 and inserting the following new item:

"Sec. 5122. Purposes.";

(3) by striking the item relating to section 5125 and inserting the following new item:

"Sec. 5125. Grant procedures.";

and

(4) by striking the item relating to section 5130 and inserting the following new item:

"Sec. 5130. Funding."

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a public housing agency within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c)).

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 212. STUDY REGARDING RENTAL ASSISTANCE.**

The Secretary shall conduct a nationwide study of the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937 (as in effect pursuant to section 601(c) and 602(b)). The study shall, for various localities—

(1) determine who are the providers of the housing in which families assisted under such program reside;

(2) describe and analyze the physical and demographic characteristics of the housing in which such assistance is used, including, for housing in which at least one such assisted family resides, the total number of units in the housing and the number of units in the housing for which such assistance is provided;

(3) determine the total number of units for which such assistance is provided;

(4) describe the durations that families remain on waiting lists before being provided such housing assistance; and

(5) assess the extent and quality of participation of housing owners in such assistance program in relation to the local housing market, including comparing—

(A) the quality of the housing assisted to the housing generally available in the same market; and

(B) the extent to which housing is available to be occupied using such assistance to the extent to which housing is generally available in the same market.

The Secretary shall submit a report describing the results of the study to the Congress not later than the expiration of the 2-year period beginning on the date of the enactment of this Act.

**TITLE III—"ONE-STRIKE AND YOU'RE OUT" OCCUPANCY PROVISIONS**

**SEC. 301. SCREENING OF APPLICANTS.**

(a) INELIGIBILITY BECAUSE OF PAST EVICTIONS.—Any household or member of a household evicted from federally assisted housing (as defined in section 305) by reason of drug-related criminal activity (as defined in section 305) or for other serious violations of the terms or conditions of the lease shall not be eligible for federally assisted housing—

(1) in the case of eviction by reason of drug-related criminal activity, for a period of not less than three years from the date of the eviction unless the evicted member of the household successfully completes a rehabilitation program; and

(2) for other evictions, for a reasonable period of time as determined by the public housing agency or owner of the federally assisted housing, as applicable.

The requirements of paragraphs (1) and (2) may be waived if the circumstances leading to eviction no longer exist.

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, or both, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(1) who the public housing agency or the owner determines is engaging in the illegal use of a controlled substance; or

(2) with respect to whom the public housing agency or the owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(c) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to subsection (b)(2), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member—

(1) has successfully completed an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(2) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(3) is participating in an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(d) **AUTHORITY TO DENY ADMISSION TO THE PROGRAM OR TO FEDERALLY ASSISTED HOUSING FOR CERTAIN CRIMINAL OFFENDERS.**—In addition to the provisions of subsections (a) and (b) and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing, as applicable, determines that an applicant or any member of the applicant's household is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner or public housing agency may—

(1) deny such applicant admission to the program or to federally assisted housing; and

(2) after expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the owner or public housing agency evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in such criminal activity for which denial was made under this subsection have not engaged in any such criminal activity during such reasonable time.

(e) **AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.**—A public housing agency may require, as a condition of providing admission to the public housing program, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain records described in section 304 regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

#### **SEC. 302. TERMINATION OF TENANCY AND ASSISTANCE.**

(a) **TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.**—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as applicable, shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow a public housing agency or the owner, as applicable, to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) **TERMINATION OF ASSISTANCE FOR SERIOUS LEASE VIOLATION.**—Notwithstanding any other provision of law, the public housing agency must terminate tenant-based assistance for all household members if the house-

hold is evicted from assisted housing for serious violation of the lease.

#### **SEC. 303. LEASE REQUIREMENTS.**

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that—

(1) the owner may not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

(2) grounds for termination of tenancy shall include any activity, engaged in by the tenant, any member of the tenant's household, any guest, or any other person under the control of any member of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants or employees of the public housing agency, owner or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises; or

(C) is drug-related or violent criminal activity on or off the premises.

#### **SEC. 304. AVAILABILITY OF CRIMINAL RECORDS FOR PUBLIC HOUSING TENANT SCREENING AND EVICTION.**

(a) **IN GENERAL.**—

(1) **PROVISION OF INFORMATION.**—Notwithstanding any other provision of law other than paragraphs (2) and (3), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or tenants of, the public housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to such public housing agency.

(2) **EXCEPTION.**—A law enforcement agency described in paragraph (1) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) **CONFIDENTIALITY.**—A public housing agency receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the public housing agency and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. However, for judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to any public housing agency is used, and confidentiality of such information is maintained, as required under this section.

(c) **OPPORTUNITY TO DISPUTE.**—Before an adverse action is taken with regard to assistance for public housing on the basis of a criminal record, the public housing agency shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) **FEE.**—A public housing agency may be charged a reasonable fee for information provided under subsection (a).

(e) **RECORDS MANAGEMENT.**—Each public housing agency that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the agency is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(f) **PENALTY.**—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or resident of, public housing pursuant to the authority under this section under false pretenses, or any person who knowingly or willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000. The term "person" as used in this subsection shall include an officer, employee, or authorized representative of any public housing agency.

(g) **CIVIL ACTION.**—Any applicant for, or resident of, public housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer or employee of any public housing agency, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any public housing agency responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer or employee alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

(h) **DEFINITION OF ADULT.**—For purposes of this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

#### **SEC. 305. DEFINITIONS.**

For purposes of this title, the following definitions shall apply:

(1) **FEDERALLY ASSISTED HOUSING.**—The term "federally assisted housing" means a unit in—

(A) public housing under the United States Housing Act of 1937;

(B) housing assisted under section 8 of the United States Housing Act of 1937 including both tenant-based assistance and project-based assistance;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before enactment of the Cranston-Gonzalez National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(F) housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(G) housing with a mortgage insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act; and

(H) for purposes only of subsections 301(c), 301(d), 303, and 304, housing assisted under section 515 of the Housing Act of 1949.

(2) **DRUG-RELATED CRIMINAL ACTIVITY.**—The term “drug-related criminal activity” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(3) **OWNER.**—The term “owner” means, with respect to federally assisted housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing.

#### SEC. 306. CONFORMING AMENDMENTS.

(a) **CONSOLIDATION OF PUBLIC HOUSING ONE STRIKE PROVISIONS.**—Section 6 of the United States Housing Act of 1937 is amended—

(1) by striking subsections (l)(4) and (l)(5) and the last sentence of subsection (l), and redesignating paragraphs (6) and (7) as paragraphs (4) and (5);

(2) by striking subsection (q); and

(3) by striking subsection (r).

(b) **CONSOLIDATION OF SECTION 8 ONE STRIKE PROVISIONS.**—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) by striking subsections (d)(1)(B)(ii) and (d)(1)(B)(iii), and redesignating clauses (iv) and (v) as clauses (ii) and (iii); and

(2) by striking subsection (f)(5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(c) **CONSOLIDATION OF ONE STRIKE ELIGIBILITY PROVISIONS.**—Section 16 of the United States Housing Act of 1937 is amended by striking subsection (e).

#### TITLE IV—TREATMENT OF AMOUNTS

##### SEC. 401. REQUIREMENT OF APPROPRIATIONS.

Notwithstanding any other provision of this Act, any provision of this Act or of any amendment made by this Act that otherwise provides amounts or makes amounts available shall be effective only to the extent or in such amounts as are or have been provided in advance in appropriation Acts.

Mr. LAZIO of New York. Mr. Chairman, pursuant to discussions I have had with the gentleman from Massachusetts, I ask unanimous consent that a time limitation be set on the substitute amendment that is offered by the gentleman from Massachusetts for a total of 60 minutes, 30 minutes controlled by the gentleman from Massachusetts [Mr. KENNEDY] and 30 minutes controlled by myself, with no amendments thereto.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts [Mr. KENNEDY] will control 30 minutes and the gentleman from New York [Mr. LAZIO] will control 30 minutes.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this substitute, I think, gets to the cause and the hopes and the dreams of so many of the tens of thousands of very low-income Americans that public housing and assisted housing is designed to protect and provide basic shelter to.

Sponsors of H.R. 2 are trying to portray the choice between the bill that

has been proposed by the other side of the aisle and the Democratic substitute as status quo versus reform; between policies which doom the very poor to poverty and despair and policies which give them hope.

It is patently absurd. The Democratic substitute meets all of the goals that the Republicans articulate. It contains all of the reforms that we need in public and assisted housing. The difference between the substitute and H.R. 2 is that H.R. 2 includes a number of radical policies which abandon our commitment to the poor, create more political influence in housing, and create new and unneeded bureaucracies.

The National League of Cities, the very group of people that the sponsors of H.R. 2 claim are going to welcome the block granting of the housing funding, actually oppose the bill because they recognize the terrible and damning results that have occurred as a result of the politicization of housing funds at the local level.

Study after study has been done that indicate that once the funding for housing becomes politicized, once the housing authorities become the dumping grounds of political appointments, that they have, in effect, lost their capabilities of dealing with the housing needs in the local community.

The National League of Cities also urged Members to support the superior substitute bill which is offered by, guess who, JOE KENNEDY. The Clinton administration opposes H.R. 2. The administration formally opposes H.R. 2 and it has listed eight specific provisions that should be amended. All eight administration concerns are met through the provisions of the Democratic substitute.

Public housing groups themselves do not support H.R. 2. If we go through, almost every one of the public housing associations, including NAHRO, have now opposed it.

The substitute eliminates the work disincentives. We have had a perverse situation occurring with regard to public housing over the course of the last several years where, in fact, we have had a disincentive for people in public housing to go to work because, if they do, more of their income would be captured as a result of the elimination of the Brooke amendment. We have continued the Brooke amendment. We have called for flat rents with income disregards and income phase-ins.

The Democratic substitute increases the working poor in public housing. We will hear time and time again that what the Democrats are trying to do is go back to the same-old, same-old policies which ended up with these great monstrosities of public housing where nothing but the poorest of the poor were warehoused. That is not true.

I wish that the Members of this House could listen to this debate without hearing Democrat or Republican, but just listening to the substance of what we are talking about. The difference between the Republican version

and the Democratic version is very simple. The Republicans over the next 10 years will throw 80 percent of the very poor out of public housing. Eighty percent of the very poor will be boomed out of public housing. There will not be a requirement that they will be taking single, very low-income people into public housing.

What we will do then is eliminate all the standards with regard to assisted housing. So what we end up with is we end up solving the problems of housing in America by abandoning the poor. That is no solution to the housing problems of our country. That is abandonment of our basic responsibilities. We can look great to the rest of the Congress and to the people all across the country by eliminating all the problems in public housing, but we do it by fundamentally turning our back on the poorest and most vulnerable amongst us. And that is, I think, an abandonment of our basic responsibilities.

This substitute recognizes the fact we need to have more working families involved in public housing. And over the period of the next 10 years under the bill that we have proposed, 50 percent of the people in public housing would be very, very low-income people and 50 percent of the people would be working families.

What we do not want to do is sentence working families into rental programs. We want, where we can, to encourage home ownership. Families that earn \$25 or \$30 or \$40,000 a year worth of income in every city across America are now eligible for private home ownership programs provided through our banks and insurance companies and others.

That is what Fannie Mae and Freddie Mac and all the rest of the organizations are set up to provide; home ownership. Why sentence people that can afford to own their own homes into becoming tenants? What we are trying to suggest is that there are some very low-income people.

We have cut the housing budget in this country from close to \$30 billion, \$28 billion, down to just \$20 billion. We have cut the homeless budget of America by 25 percent, and then we come back and we say now that we have done that, in order to keep the local housing authorities moving forward, what we really need to do is throw the poor people out of public housing. We need to jack up the rents so that the public housing authorities do not go under and, by the way, we will cut the homeless budget. It is a crazy thing to do. It does not solve the problems of America, but it does solve the problem of the Congress.

So I ask my colleagues to please consider looking at what is actually contained in the substitute, recognizing we have gotten rid of the work disincentives, recognizing we do come up with a much better mix of working families and the poor in low-income housing, and recognizing that if we

want to take a radical approach of block granting the funding, of making additional bureaucratic responsibilities, of telling people they have to come up with personal improvement programs and voluntary mandatory work requirements, then we go ahead and put in and institute what H.R. 2 calls for.

But if we are really interested in fixing up public housing, if we are really interested in making certain that we take care of the very poor, there is nothing wrong with targeting the meager funds we put into public housing. There is nothing wrong with making sure that those meager funds end up serving the poorest and most vulnerable people in America.

So I urge my colleagues to support the substitute amendment to H.R. 2 and oppose the provisions of this radical approach that has been authored by the other side of the aisle.

Mr. Chairman, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I say to my colleagues that they ought not to just be listening to this debate but reading the bill itself, because, clearly, there have been some misrepresentations about what this bill does.

We do not have to go very far. Just read it in black and white where it says, in the bill, that at least 35 percent of all the units in public housing must be reserved for those people below 30 percent of median income, keeping no public housing authority from ensuring that every single unit that it has, if it wants, can go to the poorest of the poor.

But we are saying that if one has a minimum wage job and just happens to be married to someone else who has a minimum wage job, then that individual ought also to be able to participate in it. And under this substitute those individuals would be shut out.

The gentleman from Massachusetts indicates that people would be thrown out. There is absolutely nothing in this bill that would throw out one low-income person from public housing. Not one. Not one.

The gentleman from Massachusetts mentions that the rents will go up. How? Under current law, under current law people's rents are tied to their income in this manner. People must pay 30 percent of their income in rent. They cannot pay less than that. They must pay 30 percent of their income in rent.

Under this bill, under H.R. 2, tenants will have an annual choice to pay either up to 30 percent, and it might be lower, or to choose a flat rent that is predetermined by the housing authority. And in that sense, for many residents who are working, that will be a significantly lower rent than exists under current law. And under no condition, under no condition under this bill will people pay a dime more than they are paying right now.

So the characterizations here on this floor must mesh with the language in the bill. In fact, the Kennedy substitute is nothing more than a watered down version of the administration's bill, which also seeks a very meek, mild, look-the-other-way approach to the failure of public housing in some of our Nation's largest cities.

We cannot afford to look the other way. We cannot afford to condemn another generation of teenagers and young people to the type of public housing that exists in some of our cities where they do not have a chance for hope and opportunity. We say give people a choice, reward work, make sure that families can stay together and protect levels of excellence.

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Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just like to point out that this is the first time the gentleman has ever accused me of a meek and mild approach to anything. I would just point out that if Members read not just the big print but the small print of this bill, they will find that under the fungibility rules that have been proposed, there is not a single unit of affordable housing for the very poor that has to go by any public housing authority to the very poor. Second, the way the rents get jacked up is by virtue of the fact that we are going to create an enormous incentive by the local housing authority to go and get wealthier tenants. That means greater amounts of rent are going to be generated because of the incomes of the families. I am not suggesting the individual rents on the people are going to go up, but what we are doing is creating a policy that funnels wealthier and wealthier people into public housing itself. That is what the problem with the bill is.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, what the gentleman from Massachusetts calls wealthy are people that are making minimum wage or 50 cents or a dollar more than minimum wage. That is where we have broad disagreement, where the gentleman looks at people who are working for minimum wage in entry-level jobs and sees them as wealthy and able to support rent at a market rate. In fact I look at it and many Members who support these efforts look at this and say that people who are struggling to work, who accept the challenge of a minimum wage job, should not be shut out. They should be helped. This is one of the dividing lines between, I think, our two different perspectives. In fact, under the requirements of this bill, the public housing authority must set aside at least 40 percent of its units for vouchers for the poorest of the poor, at least 35 percent of its units, and yes, it can mix and match between those two, but in either case it must meet the minimum standards of meeting the demands of the poorest of the poor, peo-

ple making below 30 percent of median income.

Mr. Chairman, I yield 5¼ minutes to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services.

Mr. LEACH. I thank the gentleman for yielding me this time.

Mr. Chairman, let me go first to the principle of this bill under the Kennedy amendment that I think is very important. While the gentleman from Massachusetts [Mr. KENNEDY] earlier in the debate in prior days had offered an amendment to increase the funding by 50 percent, his amendment on the floor today, as I understand it, has no increase in funding. So what we are dealing with is the same dollar levels as the committee bill, is that correct?

Mr. KENNEDY of Massachusetts. If the gentleman will yield, there is no funding whatsoever contained in this particular provision. We would be happy, if the chairman wanted to increase it back to the funding levels of last year, to entertain an amendment to our amendment.

Mr. LEACH. I would recapture my time.

I would only stress to the committee and to the Members that these are the same numbers as the committee product.

Mr. KENNEDY of Massachusetts. Mr. Chairman, it is not the same.

Mr. LEACH. There is no effort to raise or decrease in the gentleman's amendment. I just make this clear to the committee.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield just for a clarification?

Mr. LEACH. I have a limited amount of time. I would like to ask to proceed at my own pace.

Mr. Chairman, we also would stress that the committee's numbers are precisely the same numbers as the Department of Housing and Urban Development, whose secretary is Mr. Cuomo, the gentleman's brother-in-law.

The other point I would like to make here is that it has been my impression as a Member who has been here almost two decades that one of the reasons the total budget has to be out of whack in virtually every area of Federal spending, including housing, is the terrific pressure from each constituency group's perspective that has been brought to bear. When Members establish reputations for always increasing a program, they come to be known as the person that most defends that particular constituency and, therefore, there is a particular appreciation from that constituency that is extended.

But when numbers get out of whack, the fact of the matter is that the sum budget totals can be at times counterproductive. So from a constituency's point of view, there might well be a desire for more numbers, despite the fact that the general public is often disadvantaged. That is why we have these huge deficits and that is one of the reasons why the growth in the economy

has been less impressive than otherwise.

I would stress to the Members of this body that when the Republican Party came into power in 1994, there was an effort to constrain the budget, including housing. When that effort came to pass, and it usually takes about a year for effects to spin out in the economy, it is impressive that American economic growth has increased.

Based on increased American economic growth, there are now more revenues coming into the treasury that have made possible the recent budget agreement between the executive and legislative branches that has just come to pass, based on new projections of more revenue coming in.

If we have budgets that are increasingly out of whack, we are not only being unfair to young people in particular, who will be paying Federal debt obligations back for the next 30 years, but we will have less economic growth and thus fewer jobs in the economy.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I will not yield at this point to the gentleman from Massachusetts [Mr. KENNEDY]. I have been very patient, and the gentleman has interrupted every statement I have made in the last 2 weeks. I would ask for the gentleman's consideration. At the end of a debate it is often considered etiquette to let both sides express their perspective uninterrupted.

I would ask the Chair to be allowed to continue and not to have this time counted against me.

The CHAIRMAN pro tempore [Mr. RIGGS]. The gentleman may proceed.

Mr. LEACH. I would also like to address the issue of compassion. Sometimes it is argued that to have more numbers is extremely compassionate. This side has been accused in this debate earlier of being steely.

The fact of the matter is it can be more compassionate to have more economic growth. There can be philosophical differences that can be meted out on various issues at various points in time. But this side is proceeding under the obligation to be more constrained, to operate within budget agreements, to operate in coordination with the administration under a belief that to increase spending would be uncompassionate, not compassionate.

Finally, let me just say that in my view the gentleman from New York [Mr. LAZIO] has brought to this floor a signally reform-oriented bill that will establish him as one of the great architects of a new housing approach, and I think this entire House should give the gentleman from New York [Mr. LAZIO] a great deal of credit.

In this regard, I would also commend the gentleman from Massachusetts [Mr. KENNEDY] for bringing out an amendment that from the other side's perspective I think is quite credible. I would hope our side would not be persuaded by it.

In this regard, though, I would ask the other side to recognize that this committee has brought out a number 100 percent identical with the administration's request, general precepts largely in symmetry with the administration's request. In that process I would hope that on final passage the other side would give this committee the benefit of the doubt in working with the administration, in coming out with the precise budget numbers. If the committee works with the administration and then is voted against, it is very awkward for Congress to proceed on a reasonable basis.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, I would just like to point out to the gentleman that while he has been showing such great leadership in terms of allowing the housing budget to be cut back, we have not seen that amongst a lot of other chairmen in his party. Other chairmen in his party come in here and request \$14 billion more in the defense bill than the Joint Chiefs of Staff required. Not a single penny came out of any of the funds that went to any of the big corporations in America. Eighty percent of the budget cuts which came out of his party affected the very poor and that is who is affected by this bill. That is a shame on this Congress, it is a shame on the gentleman, and it is a shame on the administration that they have not come in with more money for housing.

Mr. LAZIO of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I would only respond briefly. I think perspective has to be applied. The gentleman is correct that a year ago the budget came in less than the prior year. But this budget is precisely the same as the prior year, precisely the same as the administration has requested.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 5 seconds. This year's is the same as last year's which was cut by \$8 billion.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. GONZALEZ], the former chairman of the committee.

Mr. GONZALEZ. I thank the gentleman from Massachusetts [Mr. KENNEDY] for yielding me this time.

Mr. Chairman, I have a much longer perspective on housing problems than most of my colleagues. As a younger man, I helped develop the first public housing in San Antonio. Today there are thousands of people living in San Antonio, housed in safe, decent, affordable public housing.

My colleagues on the Republican side have drawn a grotesquely distorted picture of public housing in America today.

The truth is that the majority of public housing is safe, it is decent, and it is well-run. Are there problems? Of course there are. But I say to my col-

leagues that our cities will not be made better by excluding poor families from public housing. The truth is that excluding the poorest from public housing only means that they will live in the meanest neighborhoods, on the meanest streets. To pretend that we are solving the problems of public housing by reinventing Hell's Kitchen is obviously very foolish.

What this bill does is to solve the financial problems of the local housing agencies by encouraging them to get rid of the poorest of the tenants as rapidly as possible, by a variety of means: excluding them from admission in the first place, or making it easier to get rid of them if they are already there.

I say to my colleagues that in the meanest and most miserable of circumstances, people have pride. They want dignity and they certainly want a better life.

In San Antonio, one of the most common types of tenements was a wooden, tin-roof lean-to in the form of a square with an open area in the center. Around that courtyard would be single rooms. The only water was a common tap in the courtyard. There might be only one pit privy serving 50 or more people. It was squalid, unhealthy, disgraceful, and I hate to even recall those episodes. However, that was the only thing affordable.

This is the kind of slum that public housing helped to eradicate. I say to my colleagues that the worst public housing in my city is better, it is cleaner, and it is safer than those that we called corrals, for this is what they were called.

A few years ago, I visited farm worker housing all over America, and some of it was worse than a chicken coop—two of the places I visited had been built to house Nazi prisoners of war. The people who live in such places are not lazy or shiftless, as my Republican friends seem to think. These are in fact people who look desperately for work, and who work desperately hard. One of them cried to me: "Mr. GONZALEZ, I am so ashamed. We do not want to live this way, but this is all we can do."

My friends, the people who live in the worst of public housing do not want to live that way, either. Their choice is to accept what they have, or to go to conditions that are even worse.

The solution to public housing problems is not to throw out the poor, but to build decent housing.

The substitute offered by the gentleman from Massachusetts makes sense. It tries to do the best possible for the greatest possible number.

The substitutes recognizes and rewards work, so that residents of public housing will be able to keep more of what they earn.

The substitute improves crime control programs in public housing, and it allows local housing agencies greater flexibility, while at the same time demanding greater accountability from them.

I remind you: in my city, the very worst of public housing is better than the conditions which that housing replaced. If we want to solve the social problems of the poor, we have

to provide opportunities, and not merely demand that the victims heal themselves.

Support the substitute. It makes sense, and it works better. Before you vote for this bill, think about the people I know, who live in tin sheds with dirt floors and no kitchen or plumbing, and who work hard—and who feel shamed, because they feel the scorn of those who say: "they deserve their fate." My friends, there but for the grace of God, you would be.

Vote for the substitute.

Mr. LAZIO of New York. Mr. Chairman, just before yielding to the gentleman from Nebraska, if I can yield myself 15 seconds and just note, it is very curious in talking about dollars that just 2 weeks ago, over \$5 billion of unspent money was uncovered hidden under rocks over at HUD that could have been spent to deal with some of these issues. The issue here is not just money, it is about management, it is about integrity.

Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER], a distinguished member of the Committee on Banking and Financial Services.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

□ 1400

Mr. BEREUTER. Mr. Chairman, I thought it might be helpful to explain the kind of reforms that are not contained in the Kennedy substitute. I want to go over those major reforms that are in the legislation but not in the Kennedy substitute.

The Kennedy substitute does not provide for family rent choice. It does not target fungibility between public housing and choice-based programs. It does not provide for the home rule flexibility grant option which we have in title IV. It does not include the accreditation board. It is controversial, but the House has spoken on that issue. It does not provide the Traficant CDBG antipiracy and regional cooperation provisions. It does not include the Jackson-Lee amendment to section 3 regarding resident employment. It does not require consultation with affected areas in settlement of litigation. It does not require the Klink-Doyle consultation with local governments' requirement regarding the building of new public housing. It does not provide for block grant provisions for small PHAs. It does not have improvements in the least in grievance compromise. It does not include technical corrections to legal alien provisions governing public housing. It does not include the prohibition of national occupancy standards. Those occupancy standards, I would suggest, should be a matter of local decisions, local regulations or at most, State law.

Now these are the very important reform elements that are contained in H.R. 2 but which are not contained in the Kennedy substitute. I think they are very important. I think, therefore, these reforms are very necessary for public housing authorities and for the

residents that live in them and for the people that attempt to run our public housing agencies and for the governing bodies in those jurisdictions.

Mr. Chairman, we should reject the Kennedy substitute and support the passage of the legislation.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT], my good friend.

Mr. WATT of North Carolina. Mr. Chairman, let me start by saying that we have never postured this as a choice between just the worst possible bill in the world and the status quo. It was my colleagues on the other side who did that. This bill is marginally better than it was last year, and I am going to vote against it because it just has some terrible provisions in it, even though some of the things in it are good.

We should support the substitute, the Kennedy substitute, because it is better, but none of us should talk ourselves into believing that either of these bills is going to solve all the problems of the poor as some of my colleagues seem to be insinuating their bill is going to do. These bills are not even going to solve the housing problems of the poor, much less all of the problems of the poor. But the substitute of the gentleman from Massachusetts [Mr. KENNEDY] is light years better because it puts emphasis on the drug elimination grant program, which is actually the thing I hear the most when I go home: How can we deal with drugs in these public housing units? What help can the Federal Government give us to deal with this problem? We encourage under Mr. KENNEDY's substitute community service, but we do not mandate it. We do not force people to go out there and work for nothing, which is what the main bill does, and we encourage an income mix in both public housing and in the voucher program, and we try to do it in such a way that we do not end up pitting the very poor against the working poor, which is what ends up happening under the main bill here.

All of those things are compelling reasons that this Kennedy substitute is a better alternative than the underlying bill. It is not a choice between doing nothing, maintaining the status quo, but this is a better substitute, and we should support it.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Delaware [Mr. CASTLE] the former Governor and member of the Committee on Banking and Financial Services.

Mr. CASTLE. Mr. Chairman, I agree to some degree with the gentleman from North Carolina [Mr. WATT] who just spoke. I do not think either of these bills is going to be the be all and end all in terms of solving the problems with respect to poor people or people in housing in general. But we have to look at which one would do better, and I come down strongly on the side of H.R. 2.

I believe that we should look back to the welfare reform bill last year in which there were dire predictions by many people on this floor that this would be a disaster for the poor; if we pass this piece of legislation, they would be held poor forever and perhaps even poorer, and there would be all manner of problems in this country.

Now I seem to read more and more articles and hear more and more people begin to say it has given hope and opportunity to individuals, and that may not be universally true, and I am sure it is not, and anecdotally there are probably stories against it. But the same thing is true, I think, of this housing bill. I have visited housing in Delaware many, many times, I have spoken to the people running it, and I frankly think they need more flexibility in terms of how they are running housing authorities there and across this country. I believe that a greater mixture of individuals, both by neighborhoods and who lives in particular areas, is extremely important in trying to help with the development of the community. I happen not to be opposed to the community service. I believe that is an opportunity for individuals and so becomes important as well. I think some of the operating formula incentives are going to make housing authorities better than they are now. It is going to make them think a little bit more and, I think, manage better.

And there are a lot of things that we can talk about here, Mr. Chairman, as we look at this bill. We go down and compare details to details, and I give a lot of credit frankly to both sides because I think people care a lot about housing. But I believe that the bottom line is that we truly need to introduce change into the housing programs in this country. They have been without change now for years, in fact decades, and the time has come to provide that opportunity, and I think H.R. 2 does that.

And I think that the minority side has been listened to. There are a lot of amendments in this legislation. Most of them are from the minority side. Most of them I think are good, by the way. They have been adopted and are part of the bill.

So for that reason I would encourage support for H.R. 2 by everybody, once we have taken care of the amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO], my good friend.

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Mr. Chairman, I rise in support of the Kennedy substitute, and it is true, I think, that this bill that the committee has presented as representing a better product than last year, but I think there are some fundamental problems with the bill, there are some fundamental problems.

I have, as an example, when we look at the 3,400 public housing authorities

and we talk about a hundred of them having problems, and the fact is that HUD, we wanted HUD to reassert itself and take more control of the public housing authority. But what this bill does is to block grant, send a lot of money back to the same public housing authorities, and as if that were not enough, they have had a lot of autonomy and they have sometimes failed, but most of them have been pretty good.

But if that were not enough, we are sending back a lot more requirements. Because they have trouble running the housing, doing income verification and all the other problems we are saying, and in addition to that we are going to put in place a mandatory community service program. As my colleagues know, the fact is we passed welfare reform. I happen to be someone that voted for it. I think there are a lot of problems with the legal immigrants and some other issues with it, but the fact is we do not have to reinvent it in the housing bill, and we sure do not have to give that responsibility to those public housing authorities to run a whole program on community service.

Mr. Chairman, it does not make any sense, just like it does not make any sense, we have got one HUD, we do not need an accreditation board, we do not need a two-headed HUD. One is enough. But if my colleagues want someone to compete up there, to be fighting and disputing it, that is a problem.

How about income verification? Do we need to raise the incomes in public housing? The average income for a family now is about \$6,700. I point out to my subcommittee chairman that the minimum wage pays about 10 grand a year, but this bill does not go just to 17 percent of median, which is \$6,500; it goes up to 80 percent. And what we are saying, if our colleagues are worried about minimum wage, that is closer to 25 percent of median than 80. Eighty percent is 2½ times the poverty rate. In some communities that is \$40,000. So check the numbers, look at what is being done.

Mr. Chairman, I think that if that is what our colleagues want to do is deal with those in minimum wage and to provide working poor with housing, then we have to deal with it. But we have 16 million people in this country; 16 million families, pardon me, that qualify for public housing, we got about 4 million units. And so we have to differentiate in how we are going to do this. Do they need more flexibility? Do we need to deal with one to one? Yes.

But the Kennedy approach is the right approach. We do not need another HUD. We do not need another reinvention of welfare reform and another job for the public housing authorities. We need to keep HUD in charge and hold them accountable, talk about money under rocks that they found. I will tell my colleagues, go over to the Defense Department and they will find a lot

more money under rocks. But the fact is if they are going to reach in and take that money back when trying to hold people accountable in terms of how to use it and then complain about the fact that they are doing that, and they are going to take and spend it, I will tell my colleagues that we are going to end up short when we go to reauthorize the section 8 programs or when we reauthorize some of the other programs.

So I think the Kennedy substitute is the best option we have. I appreciate the fact that the chairman has tried to work through some of these issues, but we have not got there. So I think we better vote for the Kennedy substitute today.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I just want to mention in response to the comments of the gentleman from Minnesota that were completely accurate, we are talking about the family with two minimum wage jobs. The gentleman, I think, was referring to families with one minimum wage job, and people with two minimum wage jobs, a family where a husband and wife working at minimum wage, would effectively be shut out of vouchers under this substitute.

Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. BAKER], a distinguished member of the Committee on Banking and Financial Services.

Mr. BAKER. I thank the gentleman from New York for yielding this time to me.

Mr. Chairman, this is indeed a pivotal moment for us. With the consideration of the Kennedy substitute, Members can vote to support it and fight to cling onto what simply has not worked.

There are, in fact, public housing authorities around the country who have used appropriate management skills, and there are public housing units which are well kept, but unfortunately for the vast numbers of people who must live in the very large urban-centered housing authorities of this country, conditions are terrible, and the Kennedy substitute in my opinion will do nothing, if anything at all, to rectify that problem.

Mr. Chairman, if we are able to defeat the Kennedy substitute and move then to final passage in the adoption of the proposal as put forward by the chairman of the subcommittee, amended by 27 amendments from the Democrat side, we will make a significant new approach to public housing in this country. We will say to individuals who do not choose to be there most of the time:

"We're going to help you, but we're going to help you for a while, and we're going to ask you in return for that help to improve your own circumstance in life, get out and try to find work in the community, volunteer as it may be, to learn job skills, people skills. You may even find a job that pays you money

while you are out doing this volunteer work"; because taxpayers in this country are saying, "We don't object to helping people who truly are in need. We will extend a hand to someone who is injured, who is unemployed, who has found difficult times with his wife and family, who wants to help themselves. But we are saying that public housing in this Nation should not become a retirement community for people who will not try for themselves or their own families."

This is a pivotal change. It is an important change. We cannot continue to pour billions of dollars into programs with 40 years of experience which have proven to fail and, more importantly, take more than decent living conditions away from people. They take their hope, their vision, their opportunity for a future because all they see is poverty. They do not see working dads or moms at home with kids or even businesses at their front door. They see drug dealers, broken-down apartment buildings and no hope, where the police are scared to come.

This is a pivotal decision. It is critical to our Nation's future to give back to the working poor and the poor of this country the belief that if they try, we will help them, and that there is a price to pay if they do not make the effort for their own family. This is an integral part of our overall social services reform, where last year a majority of the Democrats in an almost unanimous Republican vote voted to impose work requirements of 20 hours a week for those who receive social services, soon to go to 80 hours a month, then to 100 hours a month and to increase thereafter.

Mr. Chairman, it is not a new concept, it is not difficult, we know it works, and today we will make the change.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 30 second to respond.

Mr. Chairman, first I just want to make certain that people understand that in this bill, in the Kennedy alternative, we have provisions that say if two individuals working in the same family, both of them earn minimum wage, they are eligible for public housing. Check the figures. They earn \$25,000 a year, check the figures. In almost every major American city they, in fact, qualify for the public housing targeting amendments that we have today.

My concern is not those individuals in terms of public housing. We ought to have home ownership programs. They can afford it. We ought to get them the homes they need.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. KILPATRICK].

□ 1415

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. KENNEDY], our ranking member, for yielding to me as we continue our debate on H.R. 2.



I rise in support of the Kennedy substitute. As was mentioned earlier, in 1937, then Franklin Delano Roosevelt, the President of this great country, signed into law the Public Housing Act. This bill, H.R. 2 before us, will be a total repeal of that act.

What is needed then and is needed today: housing for the least of these. The Kennedy substitute will allow more people to have homes, more children to live in homes. H.R. 2, in its original version, will increase the homeless population in America.

There are 650 laws that are affected by this H.R. 2 implementation, if it passes on this floor today. Someone mentioned earlier two minimum wage jobs. Is that what we want in America, two minimum wage jobs for working families? One cannot live on minimum wage. What people want to do is work in good-paying jobs and to take care of their families.

There are over 16 million people who qualify to live in public housing because they are in that poverty scene and want to get out. We have only 4 million public housing units. So let us not stand here and say how great it is to live in public housing. Most people, including all of us, want better housing than that.

The Kennedy substitute addresses those concerns. It does allow for people who find themselves in poverty. Decent, adequate housing will not increase the homeless population and will allow people to look for work. We need to be talking about work in this legislature. How do you find good-paying jobs for people so that they can work and take care of their families? The Kennedy substitute best meets that.

As was said earlier, this is not a panacea. There is still much work to be done in America, much work to be done in this Congress. Good-paying jobs are what we need, and quality education so people can rise to the level to take care of themselves and live in fine housing. I urge my colleagues to support the Kennedy substitute.

Mr. LAZIO of New York. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO] for yielding me this time.

I rise to express my strong support for H.R. 2, and I think when we talk about the substitute we have to think about what is the problem that we are trying to address in this legislation. The first problem, the most apparent problem is that we have had 20 years of misguided policy that has focused on a principle of providing housing and housing alone for the poorest of the poor. The result of that has been destroyed neighborhoods. These are neighborhoods that often do not have stores, they often do not have banks, they generally do not have employers. These are neighborhoods without hope and these are neighborhoods without opportunity.

H.R. 2 is about more than providing housing. It is about creating healthy neighborhoods. It is about creating healthy communities.

The Kennedy substitute stops doing the worst, but the problem with it is that it is incomplete. It does not have a vision for the future. It does not create a mechanism, it does not allow for the flexibility for real change in those neighborhoods. It is like comparing a passive approach with the active approach that is engaged in H.R. 2.

As I say, it is not that it is bad, it is just that it is incomplete because it does nothing to change this culture of dependency. The Kennedy substitute does nothing to ask residents to give something back to their community. It does nothing to create mixed income communities. It does nothing to create opportunity in those communities, as well. Simply speaking, the Kennedy substitute is short on vision, it is short on hope, and it is short on opportunity.

We have a clear choice on this vote. If we vote down the Kennedy substitute and vote for H.R. 2, we are going to create more hope and opportunity in our neighborhoods. Vote "yes" on H.R. 2.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentleman from Illinois [Mr. JACKSON], my good friend who did such a great job on this debate.

Mr. JACKSON of Illinois. Mr. Chairman, let me first congratulate the chairman of the subcommittee, [Mr. LAZIO], who I genuinely believe has made sincere efforts to reform public housing in this country. I also want to congratulate our ranking member [Mr. KENNEDY] for his sincere efforts to reform public housing in this Nation, as well.

Mr. Chairman, our position, however, it occurs to me, is to determine who is sincerely right and who is sincerely wrong. How do we determine, Mr. Chairman, who is right and who is wrong? There is only one standard for which we should implore when we vote on H.R. 2, to determine who is right and who is wrong, and that is the "do unto others as we would have them do unto us" standard.

Mr. Chairman, just no Member of Congress, all of us who receive 100 percent of our paychecks from the public, is being asked to give 8 hours of our time per month in exchange for the very real public benefit that we receive; just not one of us who receives a mortgage deduction or any Federal benefit, including mining rights, including farm subsidies or corporate welfare. We tried yesterday in committee to attach to the Import-Export Bank legislation an 8-hour mandatory community service, since it is corporate welfare for corporations doing risky business in other parts of our country. Just no one.

We have tried to attach it to other forms of corporate welfare, and yet the majority consistently rejects adding 8 hours of community service in exchange for their Federal benefit to any

particular piece of legislation that comes before this Congress. Defense appropriations, it will be coming up shortly, and at no point in time will we ever mandate of them voluntarism.

Only in this bill for the first time, to the best of my knowledge, since 1865, only in this bill for the first time since 1865 do we treat a different set of Americans any different than we have ever treated another group of Americans.

Mr. Chairman, vote for the Kennedy substitute and against this draconian bill.

Mr. LAZIO of New York. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I do have to take a moment to congratulate the chairman of the subcommittee, [Mr. LAZIO] for a phenomenal job in trying to reform the public housing policies of this Nation.

A lot of times we have votes on this floor that are partisan, but I can assure my colleagues on this bill, this is a bipartisan effort. Out of 37 amendments adopted at the committee's markup, 29 were from the minority. So clearly, we were willing to negotiate, debate, and prevent this bill from being simply labeled a partisan attack on others.

Clearly, when we have been able to watch communities work on housing initiatives directed at improving people's lives, they have largely been successful. The Federal Government would rather trap people in housing that few Members in this Chamber would dare live in, or visit. The idea of the bill is to give incentives and opportunities. The Kennedy substitute encourages residents to contribute 8 hours a month. Yes, we require it. We do not think anything is wrong in requiring people to perform a community service when they have been given something.

Now, I clearly, and Members of Congress, spend numerous hours in our communities helping the Red Cross, American Cancer Society, Habitat for Humanity, AIDS coalitions, and other groups. Many, many hours we donate and volunteer, even though we are paid by Federal taxpayers.

Clearly in this bill we are trying to give people a part of the American dream, not trap them in rental housing where they cannot grow and develop strong family commitments and bonds. We see in this bill, while not a perfect bill, a chance to reinvestigate inner cities, to give people hope and opportunity, to give them something to strive for and, yes, ask them to participate in voluntarism.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank my colleague for yielding who I have enjoyed participating with on this debate over the course of the last 3 weeks.

Mr. Chairman, I want to make it clear that there is a distinction that

should be drawn between our voluntarism because it is innovating from our own will or self-reliance, without coercion and threatening one's eviction, without compensation in exchange for what we are terming a volunteer effort. There is a distinction that should be drawn between mandatory voluntarism and one that is not mandatory.

Mr. FOLEY. Mr. Chairman, reclaiming my time, the one thing I am thrilled about in the bill is that we create so many carve-outs that if someone is in a vocational or technical program, going to school, if they are caring for an aged parent, if you will, if they are sick themselves, there are so many carve-outs that only those that choose to stay home and do nothing are required then to commit 8 hours of service. That is the beauty of this bill, is that we are not telling people if they are physically incapable of working that they have to somehow go clean up streets or clean graffiti off walls.

When I go home to my district and talk to my constituents, many of them earning meager wages, many of them who could qualify for public housing, when I ask them if it is something so onerous to ask them to give 8 hours of service for that housing, they say, "Mark, that is simple. That is easy. You should do it."

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, the Republican majority claims that H.R. 2 is reform. Tearing down an essential program is not reform. I wonder if my colleagues on the other side of the aisle understand the kind of human misery that their reform will cause.

If they are serious about fixing public housing, they must do so without abandoning the very poor. Congress must ensure that these families still have a decent and affordable place to call home. The problem with the Republican majority is that when something goes wrong and does not work, they want to dismantle it. Well, the American public thinks that this institution does not work. Are we going to dismantle it, too?

Through reasonable targeting requirements, the Democratic substitute continues assisting the most disadvantaged households, while increasing the availability of public housing to the working poor. H.R. 2 will simply deny millions of women and their children shelter.

What is more ironic, the Republicans are fond of claiming that H.R. 2 promotes self-sufficiency. Be honest. How can we expect a family to achieve stability if parents are forced to work without pay? The Kennedy substitute replaces enforced labor with provisions that encourage work, giving families a true chance to achieve the American dream.

Mr. Chairman, instead of addressing the real needs of real families, H.R. 2 offers despair and misery. I urge all of

my colleagues to support the Kennedy substitute and guard our commitment to safe and affordable housing.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 30 seconds.

I would just note that we are in the process of trying to overhaul public housing for the first time, at least in any significant sense, in over 60 years; and if we prove in this House that we cannot correct this problem, if we establish that we will continue to look the other way when we see failure, then we certainly will present an opportunity for those people who believe that the Federal partnership in low-income housing is one that is futile to support.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Kennedy substitute and in strong opposition to H.R. 2.

H.R. 2 is an unprecedented and indefensible retreat from the Federal Government's 60-year commitment to those in greatest need of housing assistance, our Nation's poor. Although proponents argue that the bill promotes local flexibility in the administration of public housing programs, that flexibility is achieved at too high a human cost.

Experts agree that access to affordable housing is the No. 1 problem confronting needy families, yet H.R. 2 will allow housing authorities to replace poor families with those whose incomes are as high as \$40,000 a year in some parts of the country.

□ 1430

This will remove a critical safety net for tens of thousands of poor families well into the next millennium as they seek to move from welfare to work. As a result, their only options are to resort to dilapidated, substandard housing, if they can find it, or to join the growing ranks of the homeless. This is a new American tragedy in the making.

The Democratic substitute, however, reforms the public housing system without punishing those in greatest need of our help. It offers local flexibility without sacrificing accountability, and it provides sensible, workable reforms to public housing programs, and most importantly, it reinstates the Brooke amendment that ensures that poor families receive a fair share of housing assistance.

On behalf of poor and working families throughout the Nation, I urge my colleagues to support the Kennedy substitute.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK], originally from my State.

Mr. FRANK of Massachusetts. Mr. Chairman, if the claims being made on behalf of the majority's bill were valid, I would support it. If rhetoric could

cure poverty after this debate, there would not be a poor person left anywhere in public housing. But this bill that the majority has brought forward has literally not one thing in it that helps anyone leave poverty, get a job, or improve herself.

It does require you, if you live in public housing, to work 8 hours a month, and despite what was said earlier, inaccurately, even if you are the primary caregiver of someone unable to take care of himself or herself. Someone got carried away and thought the amendment of the gentleman from Illinois had been adopted, but it was not.

So what we say is that if you are a poor person living in public housing and you are even the caregiver to someone, you still have to do the 8 hours a month, even if the housing authority believes that given the conditions in which you live, it really would not be terribly useful.

It says you have to sign a contract promising that some day you will be a richer person. It does not provide you with a single tool to do that. The major way this bill improves public housing is by reducing the number of very poor people in it. I grant that point.

If our unit of worth is an entity known as the public housing authority and if we are measuring not the good we have done for humanity, not the extent to which we have alleviated social problems, not the extent to which we have dealt with our fellow citizens who are deeply embedded in poverty, but if the measure is what does the housing authority look like and what is the average in that housing authority, then you have made it better. But you have made it better at the cost of excluding the poorest people, some of them, from this effort.

If we wanted to really go after the problems in public housing, we would begin by solving the number one problem: inadequate resources. For decades we have caused a problem by trying to take care of the poor too cheaply. We do not alleviate that from the standpoint of humane goals by simply reducing the number of poor people we are trying to help.

My friend, the gentleman from Delaware, said, well, let us look at the welfare bill. We made predictions about the welfare bill that were not coming true. Has he been in some other country for the past month? My recollection is that the first part of the welfare bill that is taking effect, that dealing with legal immigrants, part of the welfare bill that I proudly voted against, is causing such havoc and such pain that the bipartisan leadership agreement substantially repeals that part of the welfare bill.

How can anyone talk about the great success of the welfare bill and ignore the fact, remember, the AFDC part, that is a 5-year time limit. That has not gone into effect yet. But the legal

immigrant parts have been widely considered to be such a disaster that billions of dollars of the bipartisan agreement are going to alleviate that mistake. This is a similar mistake: Resolve the problem by simply legislating the people out of existence, as far as we are concerned. That is not worthy of this House.

Mr. LAZIO of New York. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Florida [Mr. SHAW], the chairman of the subcommittee on Human Resources of the Committee on Ways and Means.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding time to me. I had not intended to speak on this particular bill until I saw my friend, the gentleman from Massachusetts, putting forth some information with regard to the welfare reform bill.

I might tell the gentleman that the welfare reform bill has probably been the most single successful piece of legislation that has passed this Congress in decades. Thousands of people, hundreds of thousands of people, are leaving the welfare rolls. Unfortunately, so many of our liberal legislators could not really see that these people had a self-worth, and really all they needed was a little bit of a shove and incentive to go out and do the right thing, and to find a job. We have found that nowhere in our history have we seen the rolls fall as they have, no matter what the prosperity, as they have over the last year and a half. It is absolutely phenomenal.

He says the limitation has not gone into effect. People know that the limitation is in effect in many of the States who are far ahead of the curve. His own State of Massachusetts, as well as Wisconsin and Michigan and Indiana, Delaware, these States have been very progressive in welfare reform, and their rolls, the people on welfare, have dropped considerably.

Mr. Chairman, I would say to have faith in the poor of this country. Just because somebody is poor does not mean that that person is not out there looking for a job. The question is, is welfare reform working. Of course it is working. I do not see how anybody can stand in this Chamber and say it is not working, because it is.

I would say to my friend, have more faith in the poor of this country. Just because someone is poor does not mean that they do not care about their family, they do not care about their future, and there are so many people out there that are finding that there is a real future out there. They can share in the American dream.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, first of all, I want to point out that the gentleman has just eloquently refuted something I never said. I was talking in fact explicitly not about AFDC recipients, because I do

not believe that a bill that passed less than a year ago and has not gone into effect yet is the major factor affecting them.

I was talking, as the gentleman quite understandably ignored, about the parts of his bill that I believe victimize legal immigrants, and which contrary to his views, is being repudiated by the Republican leadership and the President. The gentleman totally misstated my remarks.

Mr. SHAW. Reclaiming my time, Mr. Chairman, I would say to the gentleman, the SSI rolls among noncitizens was escalating at roughly 10 times the speed it was for citizens. I would also tell the gentleman that of money spent on the elderly, over 51 percent was being spent on noncitizens.

I would also tell the gentleman that we have reached an accommodation on SSI, and it is my intention to put before my committee a grandfather provision which will be brought to the floor as part of the budget agreement, as the implementation of the budget agreement, that will grandfather in all of those that were here on August 22, 1996.

So from that standpoint, we are solving the problem of both the escalating nature of SSI for noncitizens, which was totally out of control, and we are then showing compassion for the people that were here.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 15 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from Florida finally addresses the point I was making, as opposed to a point I never made.

What he is acknowledging, of course, is that this grandfathering, et cetera, that he is talking about, it is a substantial repeal of his bill. The bill he is so proud of did damage to the legal immigrants, and the budget agreement, and he is talking about it, is undoing some of what he did to the legal immigrants in the welfare bill.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. KELLY], a member of the committee.

Mrs. KELLY. Mr. Chairman, I rise in strong opposition to the Kennedy substitute for H.R. 2, the Housing Opportunity and Responsibility Act. With H.R. 2 we are stepping away from old thinking. We are ending the administration's passive approach to problems, and we are going to give communities the power to build strong neighborhoods. It is with this active approach that we can nurture our communities.

The Kennedy substitute does nothing to change the culture of dependency of many who live in public housing, nothing. We can no longer throw large chunks of money at bloated, poorly functioning administrations that produce results that are mediocre, at best. These funds that come down from these administrations have so many

strings attached that there is no flexibility to address the different problems that public housing authorities face across the country.

I understand in one of my sick public housing authorities we had a cow butchered in a bathtub. We have to end this kind of public housing administration. One-size-fits-all has to end. We have to allow for a new synergy to be created. That is what H.R. 2 does. That is what the Kennedy substitute seeks to stop.

I would like to emphasize the goals we are moving forward with in H.R. 2. They are simple: Personal responsibility that ends with a mutual obligation between the provider and the recipient, removal of disincentives to work and retention of protections for the residents, and empowerment of the individual and family through the choices that I believe will lead them to economic independence and the pursuit of their own American dream.

I would like to emphasize that everyone has the same shared objective: Clean, safe, affordable housing that empowers the have-nots in our society to become people who can realize their own American dream. That is what we are going to do here with H.R. 2. This is what we will be voting for when we vote against the Kennedy substitute.

I therefore urge all of my colleagues to join me in voting against the Kennedy substitute, that will do nothing for America's communities.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 1 minute to my good friend, the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I rise in support of the Democratic substitute to H.R. 2 offered by our colleague, the gentleman from Massachusetts [Mr. KENNEDY]. I want Members to know I do not come to this as some partisan reflex. The last time around I voted for the same bill that was passed in the last Congress.

I have been listening very carefully to this bill, hoping, hoping there was some compelling reason to vote for this bill. Unfortunately, there is not. This bill has good intentions, and many of the things that are there I support, but it goes too far. It goes too far in denying the poorest of the poor the opportunity to have public housing. It certainly goes too far in having what we call the fungible funding.

I think the Kennedy substitute is not status quo. It recognizes the problem but it commits itself to the poorest of the poor.

Further, I want to commend and support the gentleman from New York [Mr. LAZIO] in his effort for this, and just would make a comment that neither his bill nor the Democratic substitute has anything in it about rural housing. I would be remiss not to tell the Members, as I stand talking about public housing, and to have this body of Congress ignore the vast need of rural housing.

Mr. Chairman, I rise today, in support of the Democratic substitute to H.R. 2, offered by our colleague Mr. KENNEDY.

Mr. Chairman, I did not come to this decision through impulse, nor did I come to this decision simply by partisan reflex. On the contrary, Mr. Chairman, over the course of the last several days, I have listened closely and intently as this body has vigorously debated the various provisions of H.R. 2—hoping Mr. Chairman—hoping to hear some compelling reasons to vote in favor of the bill.

I believe as do many if not most of my colleagues, that the current state of our Nation's public housing system has fallen into disrepair and neglect. Federal housing policies which have been promulgated over the last decades, have, despite their good intentions, in many instances worked to trap the poorest among us in isolated pockets of poverty, and in some cases contributed to the disintegration of the family structure, which has in turn led to a drastic increase in the crime rate in many of our Nation's highest density public housing projects.

Indeed, Mr. Chairman, I voted in favor of H.R. 2406, the Public Housing Reform bill that passed the House last Congress, only to fall prey to bickering between House and Senate Republicans in the conference committee, because I felt then and continue to feel that this body must act to stop the catastrophic deterioration in our Nation's public housing system.

H.R. 2, as advertised by its proponents, purports to address many of the most outrageous and egregious concerns with the public housing system that we all share. And, quite frankly, Mr. Chairman, to a certain extent the bill does just this. It radically reshapes public housing system. H.R. 2 gives greater flexibility to local housing authorities in setting rents in order to encourage a mix of more working families among public housing tenants. In addition, the bill grants local authorities and owners of federally-assisted housing unprecedented powers to evict drug dealers and criminals, while also empowering them with greater screening powers to prevent dangerous individuals with criminal pasts from becoming residents.

Unfortunately, Mr. Chairman, while H.R. 2 does achieve some laudable objectives—in many aspects, H.R. 2 goes too far in reshaping the Nation's public housing system and gives too much autonomy and authority to local housing authorities.

In particular, I believe that the income targeting provisions of H.R. 2 are so broad as to constitute a complete and total shift away from the fundamental mission of public housing—namely to provide safe, decent, and affordable housing to the poorest among us.

The targeting provisions in H.R. 2, as I understand them, only require public housing authorities to expend 35 percent of Federal housing assistance toward those families earning below 30 percent of the area median income. While this figure is no different than that which was included in the housing bill that passed the House last Congress, and is only 5 percent less than the 40 percent required under the Kennedy substitute, H.R. 2 also carried with it a more deceptive provision that would for all intents and purposes, remove the Federal Government's commitment to providing housing for the very poor.

This is the so called fungible income targeting requirement. Under this provision,

local public housing authorities can meet their 35 percent targeting requirement simply by admitting very low-income families to the choice based housing program, rather than admitting them into housing units.

It is conceivable therefore, that under this provision, the Nation's permanent housing stock would be closed to some of the poorest families in the country—many of them elderly and disabled. Instead of being placed in a housing unit, many of these families would be forced to search the section 8 housing market in areas which may be unfamiliar to them, or in locations where mass transit resources and job opportunities are sparse. Or even worse, Mr. Chairman, the fungible income targeting requirements in the bill, may force some families into the streets.

While I agree with the goal of attracting more of the working poor into the public housing system, I believe that the targeting provisions included in H.R. 2 are unnecessarily drastic and requires too little of local public housing authorities in regards to assisting low-income families.

The Democratic substitute which we are debating, achieves the same objectives of creating a better income mix in public housing—which creates more stable and safe communities—without completely disavowing our Nation's commitment to the very poor. The income targeting provisions in the Democratic substitute are 5 percent deeper than that in H.R. 2, requiring local public housing authorities to dedicate 40 percent of their permanent public housing stock to those individuals and families that earn below 30 percent of the area median income. In addition, 90 percent of available housing units would be reserved for families below 60 percent of area median income.

Most importantly, however, the substitute, would protect very low-income families by removing the fungible income targeting requirements in H.R. 2. Under the substitute, local housing authorities, could not meet their income targets for low-income families simply by admitting these families to the choice-based housing program.

Mr. Chairman, the Democratic substitute, represents real reform to our Nation's public housing system. It addresses many of the most egregious and outrageous abuses that are allowed to occur under our present housing laws.

Like, H.R. 2, Mr. Chairman, the Democratic substitute, eliminates obsolete and burdensome Federal regulations such as the "take-one-take-all" requirements on landlords and the "endless lease" provisions in current law—giving greater flexibility and autonomy to the local housing authorities. Moreover, the substitute would help to create more stable public housing communities by allowing housing authorities to deny housing assistance to drug and alcohol abusers, while at the same moderately changing the income targeting provisions to allow for a greater number of working poor to have access to public housing resources.

Accordingly, Mr. Chairman, the Democratic substitute represents a clear departure from the current law guiding our public housing system. However, in recognizing the need for local public housing authorities to exercise greater flexibility and autonomy in addressing the particular needs of the communities for which they serve, the substitute maintains the

fundamental mission of public housing—namely to assist the very poorest families among us.

Last Congress, Mr. Chairman, I voted in favor of H.R. 2406—the precursor to H.R. 2—because it was the only viable piece of legislation which corrected some of the most egregious shortcomings of the public housing system.

While I commend Mr. LAZIO for his genuine efforts to address many of the concerns that we all share, today I stand in support of the Democratic substitute to H.R. 2 because it too represents real reform and it too changes the culture and focus of our public housing system. However, it does this while protecting the most vulnerable families among us.

Accordingly, I urge all of my colleagues to support the Democratic substitute to H.R. 2.

Nevertheless, Mr. Chairman, although I understand the subcommittee chairman's decision to focus on public housing as a whole, I would be remiss if I did not state my disappointment that neither the substitute nor H.R. 2 includes provisions addressing the housing needs and concerns of rural America.

As I am certain that the chairman is aware, rural areas have some of the highest rates of poverty and more dire housing needs than many other more urbanized areas in the country. According to the 1990 census, there were more than 7.6 million people with incomes below the poverty level in rural America. Moreover, census data also indicate that about 2.8 million rural Americans live in substandard housing.

In county after county of my district of North Carolina, Mr. Chairman, affordable housing is sparse and the dream of owning a home is often times unattainable.

I hope, Mr. Chairman, that as we conclude the debate on H.R. 2, this body will begin to look more seriously at the housing needs and concerns of rural America.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I first of all want to compliment my good friend, the gentleman from New York [Mr. LAZIO], for the excellent work he and his staff, as well as the staff on this side of the committee, has done on this bill. I sometimes felt like I should be calling my cousin-in-law, Arnold Schwarzenegger, and telling him to watch Terminator III on the House floor, because that is what it has felt like from time to time on this bill.

I do want to just say to everyone listening that I know we have, I think on both sides of the aisle, tried to make certain we have an open and honest debate on this issue. There are serious differences. I do not believe that we ought to be abandoning the very poor in pursuit of solving our housing problems in this country.

We do have housing problems. We can continue to protect the poor. We can do it within the context of making the changes in public housing policy which will avoid the mistakes of the past, the huge monstrosities where we warehouse the poor, and allow us to have an enlightened view of how we house our vulnerable people into the future of this country.

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I look forward to working with the chairman as we get to a conference.

Mr. LAZIO of New York. Mr. Chairman, I yield myself the balance of my time.

I want to return the compliment to the gentleman from Massachusetts and thank him certainly for the working relationship that we have had through the committee process and through markup and finally on the floor of this House.

In the 3 long weeks we have been debating this bill and almost 60 amendments that have been heard, we have been able to dispose of those amendments, not all, I am sure, to the satisfaction of the gentleman from Massachusetts, but at any rate in a way that I think preserves the dignity of this body and this House.

We do have differences. We have differences in perspective. We have differences as to how much we trust local authorities, how much flexibility we ought to give them, how we ought to treat low income people.

My friend from Massachusetts has offered an amendment that I believe would shut out working-class families, would shut out a husband and wife who happen to have low, minimum wage jobs from the possibility of receiving a rental voucher.

We believe in local flexibility. We believe in empowerment. We sweep away the work disincentives that are in current law. I believe under the gentleman's proposition, those work disincentives continue to exist as long as we tie rent to income and do not permit, which we do under H.R. 2, we permit tenants to make that choice, to go to a flat rent so that they work longer, work harder, get a better job. They can keep the fruits of that labor.

We want to empower people to do that. We want to reward work. We want to transform communities. And we know in the end that we cannot legislate an end to poverty. That will only happen if we create the right set of incentives, the right rules so that local individuals and local communities, once empowered, can begin to transform themselves.

That is where the change will take place, because make no mistake about it, H.R. 2 is not just about shelter. It is about creating environments where poverty can be successfully addressed, and it will be only successfully addressed by the people of those same communities.

Mr. BONIOR. Mr. Chairman, I rise in support of the Democratic substitute offered by my friend, JOE KENNEDY from Massachusetts.

He's been a tenacious advocate for real housing reform, so tenacious that he's beginning to set a record for the number of times a bill has been on and off the floor.

Actually, this is a good debate for us to have.

It's a debate about setting priorities, about adopting reform while protecting people, and about giving hard-pressed working families a break.

The Kennedy substitute is a reasonable, balanced approach to housing reform that protects the vulnerable, while giving local housing authorities the flexibility they need to do their jobs.

By contrast, the Republican bill eliminates most Federal regulations affecting low-income housing assistance—including provisions that ensure Federal housing is targeted to those most in need.

H.R. 2 repeals the Housing Act of 1937, and it will push the poorest tenants into homelessness.

The Democratic substitute streamlines our Nation's housing laws, but does not repeal them.

It protects seniors and the vulnerable by retaining current law, limiting rent to 30 percent of your income.

And it encourages local housing authorities to provide mixed income housing, while preserving assistance to those most in need.

The substitute provides the reforms and flexibility that local housing authorities need, but it does not contain the unfunded mandates that are included in the Republican bill.

That's why local housing authorities support the substitute, why the administration supports it, and why I support it.

I urge my colleagues: Oppose H.R. 2; support the Democratic substitute.

Mr. PAUL. Mr. Chairman, we, the Congress, are once again asked to reenact Federal housing legislation that is unconstitutionally, philosophically, economically, and practically unsound.

Prior to the Constitution-circumventing New Deal policies of the Fed-induced Depression era, such redistributionist policies whereby Government takes money from one citizen to pay the housing costs—or some other cost—of another was forbidden. Supreme Court Justice Samuel Chase, in *Calder versus Bull*, opined that “a law that takes property from A and gives it to B: It is against all reason and justice, for a people to intrust a legislature with such powers.” Yet, this redistributionary scheme, rather than the exception, has become the rule as well as the rule of law in this 20th century, special interest state.

But even setting aside the unconstitutionality of Government's 20th century housing policy for the moment, such redistributionary schemes are philosophically bankrupt as well. A right to housing, as espoused by proponents of this legislation, or a right to more than the fruits of one's own labor, by definition must deprive some other the right to keep the fruit of his or her own labor. Moreover, such a right cannot be a right as it is not enjoyable by all simultaneously. For if each is entitled by right to more than the fruit of one's own labor, one must then ask from where this additional production will come. It is this fallacy that prompted Frederic Bastiat, the brilliant 18th century political-economist to remark: “The State is the great fictitious entity by which everyone seeks to live at the expense of everyone else.” Bastiat understood that Government was an agreement entered into for the purpose of protecting one's own property rather than the tool by which individuals could collectively band together to deprive others of theirs.

The problems with Government housing extends even beyond these not-so-insignificant barriers. The economic and practical aspects of such a policy warrant serious scrutiny as well. One must not forget that individuals re-

spond to incentives and incremental measures moving this country further in the wrong policy direction must be actively opposed.

There are those in this Congress who concede that there are serious problems with our Federal housing policy but argue that we must reform it to correct these problems. By incrementally moving in the right direction we can look out for those affected—not just the tenants but the others dependent upon the Government miscreant as well.

This incrementalist approach has not worked in the past and will not work in the future. This bill will not move us incrementally in the right direction. The direction in which this legislation will lead us could be referred to as a continuation of mission creep. An idea for a small program or expenditure, no matter how deserving or well meaning, will only feed an ever-growing appetite for more Government money.

This bill will demonstrate yet again the innate nature of a Government subsidy to grow exponentially. Despite the confident assurances of flatlining the HUD budget for a few years, Government subsidized housing will continue to grow. A GAO report points out that there are an additional \$18 billion in FHA insured mortgages at risk. While not a part of H.R. 2 directly, the liabilities associated with the subsidized mortgages on the housing projects and other factors virtually assure it, even if it were not the nature of Government's quest to sate its ravenous consumption of our money.

The social reformers of the New Deal era persuaded a pliant Government to address the issue of unemployment and the needs of the slum dwellers. Presumably, no one bothered to address the responsibility issue. John Weicher of the Hudson Institute explains well the logic that brought us the current situation.

The social reformers of that era chose to ignore market forces, human nature, and the nature of Government. If Government spends enough of other people's money, Government can change lives. “We know better for them than they do—and just how to do it,” was the condescending implication.

They claimed that poor tenement housing largely caused the social ills of the urban dwellers. These so-identified breeding grounds of crime, delinquency, disease, mental illness, and worse were regarded as the result of the poor living conditions, not the cause. If Government could give them decent housing, Government could eliminate these problems, they dreamed. That dream has become a nightmare for all too many people—both for the people trapped by the constraints of the public dole and those forced through taxation to pay for it.

The erstwhile social reformers thought Government could eliminate the slums, create jobs in a depression and even encourage home ownership. Through Government, they could realize their dreams. They were wrong.

The United States Housing Act of 1937 established public housing, our oldest subsidy program, in order to create affordable, Depression-era housing for those temporarily unemployed or underemployed, eliminate slums, and increase employment through make-work construction jobs. The Great Depression has long been over, but its misguided largesse and Constitution-circumventing redistribution schemes continue. Of course, we are still paying the deficit—with compound interest—for

those jobs despite having institutionalized slum life.

The War on Poverty demonstrated the mission creep. In 1965 government created the Housing and Urban Development [HUD] Agency following the beginning in 1961 of federally subsidized construction of privately owned housing projects. Subsidized housing has now mutated into three forms: public housing, privately owned projects and, section 8 certificates and vouchers for use in privately owned housing. Each of these three forms of Government-subsidized housing makes up roughly one-third of the subsidized housing stock.

Of the public housing projects, over 850,000 of the 1.4 million units were built between 1950 and 1975. Only about 100,000 new units were added to the public housing stock in the last 10 years. These units are built entirely with public funds, and the Federal Government pays part of the cost of operation. Over time, the Federal Government has to pay to modernize these developments too.

However, the local Public Housing Authorities [PHA's] run the projects with such ineptitude in so many cases they are literally run into the ground. Costs to operate the public housing projects are comparable to private housing, according to HUD numbers, only if one does not consider the cost of building the units in the first place—as if the cost of the mortgage on a private housing building should not be a factor in setting the rent.

The Federal Government then picks up the tab for the so-called modernization, or rehabilitation, of the projects as they deteriorate. With this setup, there is no incentive for the local PHA officials to reinvest the rental income back into the units. As a consequence, the local PHA does not maintain them sufficiently, and the tenants suffer a life in substandard housing. Standards that are deemed unacceptable in private housing are somehow good enough in the Government's eyes for those on the lower rungs of the socioeconomic ladder.

The privately owned projects also bilk taxpayers on a grand scale, according to HUD Secretary Andrew Cuomo. He lambastes the fact that the Government is overpaying rents compared to what his department considers Fair Market Rent. HUD is subsidizing rents of \$849 a month in Chicago neighborhoods where the market rate is only \$435 a month; paying \$972 a month in Oakland, CA, against a market rate of \$607 a month; and in Boston, Government is paying \$1,023 a month vis-à-vis \$667 monthly in the private market, he says.

Mr. Cuomo attacks these abuses and decries the State of subsidized housing, but he does not recognize that these abuses are symptomatic of the system he is trying to preserve. "For years we have been trying to grapple with this issue," he tells us and dangles promises of huge future savings if Government tinkers around the edges of an ill-conceived system that tries to cheat the market, tries to circumvent human nature, and ignores the nature of Government subsidies.

His current promises are as false as the promises of his predecessors. One of his successors will 1 day lament the horrible State of subsidized housing he inherited and will promise grandiose reforms that will save billions if Government only passes a future subsidized housing bill.

One of the worst complications of this approach is the builtin disincentives to proper

management. Under a convoluted setup, these privately owned projects rely on FHA insurance and a Federal subsidy paycheck to pay for it. Too often, these ill-managed projects deteriorate so quickly that the units are torn down before they pay for their own construction. Under Mr. Cuomo's directives, HUD will decide the market rate concerning its subsidies. The market distortions of the tax code and FHA insurance make the situation worse.

Vouchers and certificates are the best of the inherently flawed approaches. About 80 percent of people with vouchers find suitable housing of their choice—very often at only 40–60 percent of the cost of less desirable public housing. After enacting certificates in 1974 and vouchers in 1983, about 1.5 million households have been served by this approach—1.1 million through certificates and 400,000 through vouchers.

The benefits of the tenant-based approach include the reliance of a quasi-free market competition with the attendant bonuses of lower costs, great efficiency, rewards for personal initiative, and individual choice. Under tenant-based rental assistance, recipients are less likely to live in concentrated poor urban communities that often lack basic necessities: safety, good schools, employment opportunities, access to financial services, and so forth. They have a way out of the trap of project-based public housing units that have become a way of life.

Market incentives through tenant choice put the renters in charge of their housing decisions. They may find the housing of their choice and even keep the difference between the rent and the voucher if they find housing for less than their voucher enabled them. This is not the case with the certificates. Unfortunately, the household remains tied to the State with the contingent constraints and perverse incentives that this arrangement implies.

Unfortunately, H.R. 2 does not address these concerns. It leaves uncertain the "proper" approach to subsidizing housing despite the fanfare of a "new" approach. While formally repealing the 1937 housing act, the mentality remains along with the compendium of problems inherently associated with it.

The bill leaves uncertain whether a "tenant-based approach" or a "project-based approach" will be instituted. In the Washington tradition, a compromise is offered. Again, in the Washington tradition, this bill embraces the worst aspects of both approaches and fuses them together.

This bill tries to "target" their social reforms now. By this Government's attempts to force social reforms through osmosis by luring better role models into the modern slums. Perhaps the Ellen Wilson housing project in Washington, DC, just blocks away from the Capitol, would reassure us as to the benefits of incrementalism. In a city with a waiting list of 16,000 people, Government is spending about \$186,000 per unit to build subsidized housing instead of spending less per unit and housing more people.

One would hope that at least such incredible sums are going to the most needy of the 16,000 people waiting for subsidized housing. Yet even those earning up to \$78,000 a year could qualify. Incremental social reform is not cost efficient.

The Washington Post wrote on April 24, 1997, that Valley Green, a Washington, DC,

housing project built in early 1960's, was launched "to house people displaced by 'slum clearance,' [and] soon became a slum itself, poisoned over the decades by a toxic brew of poverty, rampant vandalism, violent drug dealing, and government neglect \* \* \*. The resulting wasteland, which stretches across 20 acres of silent concrete courtyards and rutted city streets, has come to serve in recent years as a convenient backdrop of politicians looking to cast blame for decades of despair."

This story is very indicative. It is one that has been retold far too many times in too many places. This expenditure has not even provided decent housing to those Government was trying to help. According to HUD inspection general reports, up to 80 percent of the units fail inspections.

It is a story that will be retold again and again if this bill passes. It is a testimony of the effects of Government-engineered social reform of housing. One must not forget the lofty goal of slum elimination of the 1930's that spawned this misadventure. That lofty goal of the 1960's spawned the dreamily named Valley Green. One can only wonder what name Government shall bestow upon the next housing project born under H.R. 2's new legislative regime.

Aside from the simple accounting costs associated with Government subsidized housing, there are other real costs. Unfortunately even this simplicity eludes HUD which routinely demonstrates that it is incapable of understanding basic accounting and accountability. Just this month, a congressionally instigated investigation of section 8 contract reserve accounts discovered \$5 billion in addition to the \$1.6 billion in excess reserve funds recaptured late last year. I sincerely doubt that the residents of Valley Green, other housing projects and taxpayers think this is a well-run program.

Just since HUD was created, Government has appropriated over \$572 billion to the agency. Of course, this figure does not include rents and fees collected by the agency, so that it could be argued that total funding for public housing has been much higher. HUD is budgeted annually around \$21.7 billion for each of the next 5 years, but the figure for last year was only \$19.4 billion. More money will be wasted.

For fiscal years, 1965–75, the agency's budget authority totaled less than \$40 billion. In other words, Government has spent over half a trillion dollars of taxpayers' hard-earned money on subsidized housing in the last 20 years.

Nor has this half a trillion dollars increased the home ownership rates of Americans. The fourth quarter averages of home ownership between 1965–74 averaged 64 percent. Despite such Governmental largesse, fourth quarter rates of home ownership averaged 64 percent between 1965–96. Certainly HUD has not made a significantly positive contribution to the goal of home ownership. They will be able to point to the easily identified few who have been helped at the expense of the less easily identified many who were negatively affected.

One must not forget that the increased Government expenditures derived through taxation have stifled the ability of many would-be homeowners to save for the down payment and purchase the home of their dreams. Instead, they pay the taxes to bankroll the dreams of the social reformers, past and present.

They are paying not only the bills of today but the taxes necessary to pay for the deficit spending dreamed up by previous social reforms. There is a real economic cost to these deficits. The distortions to the free market whereby the most efficient allocations of resources are made. HUD shows us the alternative—and considered enlightened—path to allocating resources better. The HUD bureaucracy consumes valuable resources that are best spent elsewhere. Even the new HUD Secretary concedes very readily that HUD is inefficient and wasteful. Government just needs to give it more time and more money, the Secretary pleads. Of course more time and more money have already cost us too much.

This irresponsible pipe dreaming has contributed to unsound fiscal and monetary policies and introduced new iterations in the business cycle. As the market tries to factor in these Government-spending-induced booms and busts, security against its ravages of higher unemployment and higher interest rates takes their toll. This added cost fuels the cycle which exacerbates the problem.

Not only the taxpayers suffer under this approach. The civil rights of the tenants of subsidized housing are discarded as housing sweeps violative of the fourth amendment are conducted in the name of a misdirected war on poverty and lack of affordable housing.

Of course, it is the middle class and working poor who pay the cost most directly. The rich shelter their money from many income taxes and have their FICA taxes for Social Security capped. This regressive Social Security tax takes an unfair toll on the working poor and middle class. Many more people could afford better housing absent paying for the inefficiencies of the Government's approach to housing.

H.R. 2 is not the solution to our problems. Rather, it is an illustration of the creeping mission of more Government for a longer period of time not fulfilling the dreams of its engineers. This bill is more of the same incrementalism that began in the 1930's. Despite proof that it was not working, we are asked to vote again to throw more money at the problem, give government more control of our lives and reap the rewards.

In the 1960's, Government acknowledged again the failure of the mission and expanded the reach of Government exponentially. With those promises demonstrably unfulfilled, Government find itself again at a crossroads. Continue creeping incrementally towards more Government spending and a loss of civil and economic liberties or the path of freedom. I urge Government to offer liberty.

I do not doubt the compassion and intentions of many of the social reformers, then or now. They are, indeed, well-meaning folks. The problem is that the effects of their good intentions run counter to the aims of their endeavors.

Instead of a safety net that merely prevents a newly unemployed single mother from falling, the public housing project traps her and her family in its net and holds them hostage to the whims of the local Public Housing Authorities. These PHA's are not accountable to her. She has sacrificed her liberty to PHA's that are too often sinecures provided by political cronyism. Tales of their abuse are legendary.

This corrupt scenario produces crime statistics proportionately twice as high in and

around subsidized housing projects as in the communities as wholes, according to HUD's Office of Public and Indian Housing. Without the accountability inherent in a market situation, abuses are almost predictable. The public housing projects are but one of the worst examples of flouting the free market and the loss of accountability.

H.R. 2 attempts to improve the lot of those benefiting from subsidized housing and make the bureaucracy less burdensome. Unfortunately, by the time this proposal goes to the floor, so many changes will have been made, compromises accepted and political deals consummated that we end up with a bill in some ways worse than the status quo, as bad as that is.

The end result of this well-meaning attempt to care for those less fortunate is higher taxes, especially on the working poor, slower economic growth, fewer job offers and a reaffirmation of Government's determination to keep tenants trapped in substandard housing whose managers are not accountable to them.

At the same time, those politically astute suppliers of Government housing encourage the continuation of such programs at the expense of the more productive suppliers whose political polish does not place them in the ambit of those doling out the grants.

We should end this misguided approach to such legislation. It punishes all taxpayers with the future additional expense of increased eligibility requirements while limiting further the availability of subsidized housing for those who currently qualify. It rewards special interest favors for the politically connected—both unaccountable subsidized housing managers, department bureaucrats, politically contributing public construction businesses and the landlords cashing above market Government rent checks for substandard housing.

The opportunity that H.R. 2 provides is squandered in an extension of more of the same. While consolidating programs could make oversight easier and bureaucrats and local PHA's more accountable, it is unlikely that this bill will go far enough to address the problems with our subsidized housing programs. New problems resulting from targeting are almost certain. Many of the critics of the left are correct to point out this mean misallocation of funds from the working poor and middle class to tenants with higher incomes than current tenants despite the waiting list.

Only by rewarding individual initiative, choice, responsibility and the resultant accountability can Government reforms better serve the recipients. Of course, only less Government and lower taxes will truly meet those aims.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 261, not voting 9, as follows:

[Roll No. 126]

AYES—163

Abercrombie	Gephardt	Moakley
Ackerman	Gonzalez	Mollohan
Allen	Green	Nadler
Baldacci	Gutierrez	Neal
Barcia	Hall (OH)	Oberstar
Barrett (WI)	Hamilton	Obey
Becerra	Harman	Olver
Bentsen	Hastings (FL)	Owens
Berman	Hilliard	Pallone
Berry	Hinchey	Pascarell
Bishop	Hinojosa	Pastor
Blagojevich	Hooley	Payne
Blumenauer	Hoyer	Pelosi
Bonior	Jackson (IL)	Pomeroy
Borski	Jackson-Lee	Poshard
Boswell	(TX)	Price (NC)
Boucher	Jefferson	Rahall
Brown (CA)	Johnson (WI)	Rangel
Brown (FL)	Johnson, E. B.	Rivers
Brown (OH)	Kanjorski	Rodriguez
Capps	Kennedy (MA)	Roemer
Cardin	Kennedy (RI)	Rothman
Carson	Kennelly	Roybal-Allard
Clay	Kildee	Rush
Clayton	Kilpatrick	Sabo
Clement	Kind (WI)	Sanders
Clyburn	Klecza	Sawyer
Conyers	Kucinich	Schumer
Costello	LaFalce	Scott
Coyne	Lampson	Serrano
Cummings	Lantos	Skaggs
Davis (FL)	Levin	Slaughter
Davis (IL)	Lewis (GA)	Snyder
DeFazio	Lowey	Spratt
DeGette	Maloney (CT)	Stark
Delahunt	Maloney (NY)	Stokes
DeLauro	Markey	Strickland
Dellums	Martinez	Stupak
Deutsch	Matsui	Thompson
Dicks	McCarthy (MO)	Thurman
Dingell	McCarthy (NY)	Tierney
Dixon	McDermott	Torres
Engel	McGovern	Torres
Eshoo	McHale	Towns
Etheridge	McIntyre	Velazquez
Evans	McKinney	Vento
Farr	McNulty	Visclosky
Fazio	Meehan	Waters
Filner	Meek	Watt (NC)
Foglietta	Menendez	Waxman
Ford	Millender	Wexler
Frank (MA)	McDonald	Weygand
Frost	Miller (CA)	Wise
Furse	Minge	Woolsey
Gejdenson	Mink	Wynn
		Yates

NOES—261

Aderholt	Christensen	Franks (NJ)
Archer	Coble	Frelinghuysen
Armey	Coburn	Galleghy
Bachus	Collins	Ganske
Baesler	Combest	Gekas
Baker	Condit	Gibbons
Ballenger	Cook	Gilchrest
Barr	Cooksey	Gillmor
Barrett (NE)	Cox	Gilman
Bartlett	Cramer	Goode
Barton	Crane	Goodlatte
Bass	Cubin	Goodling
Bateman	Cunningham	Gordon
Bereuter	Danner	Goss
Bilbray	Davis (VA)	Graham
Bilirakis	Deal	Granger
Bliley	DeLay	Greenwood
Blunt	Diaz-Balart	Gutknecht
Boehlert	Dickey	Hall (TX)
Boehner	Doggett	Hansen
Bonilla	Dooley	Hastert
Bono	Doolittle	Hastings (WA)
Boyd	Doyle	Hayworth
Brady	Dreier	Hefley
Bryant	Duncan	Herger
Bunning	Dunn	Hill
Burr	Edwards	Hilleary
Burton	Ehlers	Hobson
Buyer	Ehrlich	Hoekstra
Callahan	Emerson	Holden
Calvert	English	Horn
Camp	Ensign	Hostettler
Campbell	Everett	Houghton
Canady	Ewing	Hulshof
Cannon	Fawell	Hunter
Castle	Foley	Hutchinson
Chabot	Forbes	Hyde
Chambliss	Fowler	Inglis
Chenoweth	Fox	Istook



Jenkins	Myrick	Sessions
John	Nethercutt	Shadegg
Johnson (CT)	Neumann	Shaw
Johnson, Sam	Ney	Shays
Jones	Northup	Sherman
Kaptur	Norwood	Shimkus
Kasich	Nussle	Shuster
Kelly	Ortiz	Sisisky
Kim	Oxley	Skeen
King (NY)	Packard	Smith (NJ)
Kingston	Pappas	Smith (OR)
Klink	Parker	Smith (TX)
Klug	Paul	Smith, Adam
Knollenberg	Paxon	Smith, Linda
Kolbe	Pease	Snowbarger
LaHood	Peterson (MN)	Solomon
Largent	Peterson (PA)	Souder
Latham	Petri	Spence
LaTourette	Pickering	Stabenow
Lazio	Pickett	Stearns
Leach	Pitts	Stenholm
Lewis (CA)	Pombo	Stump
Lewis (KY)	Porter	Sununu
Linder	Portman	Talent
Lipinski	Pryce (OH)	Tanner
Livingston	Quinn	Tauscher
LoBlando	Radanovich	Tauzin
Lofgren	Ramstad	Taylor (MS)
Lucas	Regula	Taylor (NC)
Luther	Reyes	Thomas
Manton	Riggs	Thornberry
Manzullo	Riley	Thune
Mascara	Rogan	Tiahrt
McCollum	Rogers	Trafficant
McCrery	Rohrabacher	Turner
McDade	Ros-Lehtinen	Upton
McHugh	Roukema	Walsh
McInnis	Royce	Wamp
McIntosh	Ryun	Watts (OK)
McKeon	Salmon	Weldon (FL)
Metcalf	Sanchez	Weldon (PA)
Mica	Sandlin	Weller
Miller (FL)	Sanford	White
Molinari	Saxton	Whitfield
Moran (KS)	Scarborough	Wicker
Moran (VA)	Schaefer, Dan	Wolf
Morella	Schaffer, Bob	Young (AK)
Murtha	Sensenbrenner	Young (FL)

## NOT VOTING—9

Andrews	Flake	Skelton
Crapo	Hefner	Smith (MI)
Fattah	Schiff	Watkins

## □ 1508

Mrs. MORELLA and Messrs. HASTERT, MCDADE, BASS, and LUTHER changed their vote from "aye" to "no."

Mr. WISE changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 126, I had a malfunction of my pager. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. LAHOOD). If there are no further amendments to the bill, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COMBEST) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to repeal the United States Housing Act of 1937, de-regulate the public housing program

and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, pursuant to House Resolution 133, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT OFFERED BY MR.

## KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KENNEDY of Massachusetts. Yes, Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KENNEDY of Massachusetts moves to recommit the bill H.R. 2 to the Committee on Banking and Financial Services with instructions to reconsider the bill for the purposes of—

(1) improving the income targeting provisions of the bill by reserving more housing assistance for very low-income families of various incomes; and

(2) eliminating provisions in the bill creating unnecessary bureaucracies.

Mr. KENNEDY of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 5 minutes in support of his motion to recommit.

Mr. KENNEDY of Massachusetts. First, Mr. Speaker, I want to reach out to my good friend, the gentleman from New York [Mr. LAZIO] for the efforts he and his staff, and the efforts of the Committee on Banking and Financial Services staff have made, and all the members of the Subcommittee on Housing and Community Opportunity have made on this bill over the course of the last 3 weeks. This was, I thought, instead of being a housing bill, it turned into a California desert bill.

I think that the bill before us creates the kind of dilemma that some of us will relish and some of us will recognize its time for a decision about what

motivates us to run for the Congress of the United States. One choice before us, the choice to include it in H.R. 2, will in fact in some ways fix public housing. It will fix public housing, all right. It will fix the affordable housing programs in America. It fixes them by one easy sign of a pen. That one easy signing of the pen fixes this problem by simply eliminating the poor from eligibility for these programs.

So if we want to look good before the American people and say, listen, we have eliminated all those monstrosities, all those terrible icons that represent Franklin Delano Roosevelt, whose very act H.R. 2 will eliminate, H.R. 2 eliminates the 1937 Federal Housing Act, the basic fundamental protections for the poorest people in this country.

The question before us is not whether or not we should be turning our back on the very poor, it is not to say that the largest single segment of our population, the largest growing segment of Americans, is the very, very poor people of this country. What this bill does is essentially say that we are going to jack up the income guidelines on the housing programs of America, where currently 75 percent of all the units that go out in public or assisted housing go to people with 30 percent of median income or less. What we are going to do is essentially say that not a single unit of public housing will necessarily go to the very poor.

## □ 1515

In terms of the voucher program, 80 percent of those units can now go to people with moderate incomes, people earning 35 or \$40,000 a year. I say people earning 25, 35 or \$40,000 a year ought to have housing programs. They ought to have homeownership programs. In every city across America, banks and insurance companies are looking around for good loans that they can provide meaningful homeownership to those individuals. We ought not to be using the precious resources that are contained in public housing to go to those needs. We ought to be using the precious resources of public housing and the precious resources in the voucher program to go to the needs of the very, very poor.

People will say that we need to reform how we build public housing and how the people are obtained that live in public housing and how many of them go to the very poor. We are going to hear a lot of rhetoric in the next few minutes saying that the Democrats are simply offering a new way of going back to the old way. They are going to suggest that we have not thought about the reforms that are necessary to get public housing out of the terrible condition it is in. It is in terrible condition in some of the cities of this country.

But let us not forget that there are 3,400 public housing authorities in this country. There are 100 badly run housing authorities. There are badly run

housing projects. We ought to give the Secretary the capability of going after those badly run housing projects and taking them back. We ought to take control of the badly run housing authorities.

This bill, in the Democratic substitute, eliminated the work disincentives. The Democratic substitute increases the working poor in public housing substantially over a period of 10 years. We will have 50 percent of those units going to people with incomes above 50 percent of median income. But it is the terrible conditions that are going to be in place for the very, very poor.

This country has done something unconscionable. We have said that what we are going to do in terms of balancing the budget is go about doing it by cutting the housing budget of America from \$28 billion to \$20 billion. We turned around and cut the homeless budget by 25 percent. Then we turned to the public housing authorities and said, "We are going to save you. We are going to save you by allowing you to go out and take some more working families in. We are going to allow you to take up the incomes of the people that come in and charge them more rent."

That is what we have done, but we have not ever solved the problem. So we turn our back on the very poor, we turn our back on the homeless, and then we talk about the wonderful reforms that we are going to put into place.

I say to my colleagues that we can get the reforms in place, we can allow public housing to go to more working families, but we do not have to do it by abandoning the poor, we do not have to do it by turning our back on the homeless. Let us not vote for an antihousing bill. Let us vote for a pro-Democratic housing bill.

The SPEAKER pro tempore (Mr. COMBEST). Is the gentleman from New York opposed to the motion?

Mr. LAZIO of New York. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. LAZIO of New York. Mr. Speaker, I yield to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services who has stood alongside me as we have debated this bill these last 3 weeks.

Mr. LEACH. Mr. Speaker, in considering this motion to recommit I would hope Members on the other side would recognize that the party of liberalism that is doing well in the world is the party of Tony Blair, not parties of extremism that object to free market, to change of programs that fail, to restrained budgets.

Before the House this afternoon is landmark legislation which attempts to balance the need for reform with the needs of the poor. While the authorization number is consistent with the administration's recommendation, some

have implied the legislation is skinflinted. Our side would suggest it is an attempt to reform rather than eviscerate public housing; to change a partially failed system without walking away from the needy.

Mr. KENNEDY's approach would knock out of public housing programs most families of four with two parents holding minimum wage jobs. It would make it exceedingly difficult for two single parents in public housing with jobs to consider marriage because they would lose their housing benefits.

In the last century two English political philosophers, Jeremy Bentham and James Mill—the son of John Stuart Mill—advanced a doctrine of utilitarianism—the guide of which was the precept, "the greatest good of the greatest number."

Modern day liberals have abandoned 19th century progressive philosophy and replaced it with the notion of constituency politics, of targeting programs to groups without reference to their effect on society as a whole. The effect has been the development of a dependency cycle, which the new majority in Congress is attempting to break, and this bill is part of that effort.

Mr. LAZIO of New York. Mr. Speaker, in these last few minutes of this debate after 3 weeks of having this bill on the floor with over 60 amendments, this body is about to make a choice about the direction in which we are going to begin to address not just shelter but the core issue of poverty. Because the bill that we have before us today is not just about shelter. It is about trusting local communities. It is about ensuring that there is accountability. It is about getting value for our dollars. It is about transforming communities. It is about addressing some of the toughest issues that we have in America today.

Yes, it is absolutely true that we will never be able to legislate an end to poverty from this House. There will be no bill that will be signed that will end poverty. The best that we can hope for is that we will begin to put in place a set of incentives for work, for family, for local control, for responsibility, and for accountability that will begin to mobilize the huge potential of human resources that we have in our own communities. There are those in this body on both sides of the aisle that believe we should tap into that huge human resource, that we should trust local control. In this bill we protect the poorest of the poor, but we also say that local housing authorities ought to have more choice so they can deal with their own problems.

This is one of the public housing projects, not in some third world country but in America today. It is perversely called Desire in New Orleans. Last year when we were debating this bill, out of a score of 1 to 100, HUD gave this public housing authority a score of 27. Can my colleagues imagine if one came back and talked to his family and

said to his mom, dad, grandma, or grandpa, I got a score of 27 on my test, year after year after year. They would say, "I think we ought to sit down and make some changes."

That is not the worst of it. The worst of it is in the year that has followed to this year, that score has not budged. That means that is another year in which young children are condemned to this situation of despair, this sense of no opportunity, of failure. Today we have something important to say with H.R. 2. We say this: We will end the disincentives to work, we will end the disincentives to families, we will provide flexibility, because we stand with families, we stand with working people, we stand with local control and we stand for ending poverty in all the communities throughout America. Vote for H.R. 2.

The SPEAKER pro tempore. Without objection, the previous question was ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. KENNEDY of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 293, noes 132, not voting 8, as follows:

[Roll No. 127]

#### AYES—293

Ackerman	Castle	Fawell
Aderholt	Chabot	Foley
Archer	Chambliss	Forbes
Armey	Chenoweth	Ford
Bachus	Christensen	Fowler
Baesler	Coble	Fox
Baker	Coburn	Franks (NJ)
Ballenger	Collins	Frelinghuysen
Barcia	Combest	Furse
Barr	Condit	Galleghy
Barrett (NE)	Cook	Ganske
Bartlett	Cooksey	Gekas
Barton	Cox	Gibbons
Bass	Cramer	Gilchrest
Bateman	Crane	Gillmor
Bentsen	Crapo	Gilman
Bereuter	Cubin	Goode
Berry	Cunningham	Goodlatte
Bilbray	Danner	Goodling
Billirakis	Davis (FL)	Goss
Blagojevich	Davis (VA)	Graham
Bliley	Deal	Granger
Blunt	DeLay	Green
Boehlert	Deutsch	Greenwood
Boehner	Diaz-Balart	Gutknecht
Bonilla	Dickey	Hall (TX)
Bono	Dicks	Hamilton
Boyd	Doggett	Hansen
Brady	Dooley	Harman
Bryant	Doolittle	Hastert
Bunning	Doyle	Hastings (WA)
Burr	Dreier	Hayworth
Burton	Duncan	Hefley
Buyer	Dunn	Herger
Callahan	Edwards	Hill
Calvert	Ehlers	Hilleary
Camp	Ehrlich	Hobson
Campbell	Emerson	Hoekstra
Canady	English	Holden
Cannon	Ensign	Hooley
Capps	Everett	Horn
Cardin	Ewing	Hostettler

Houghton	Miller (FL)	Sensenbrenner
Hulshof	Minge	Sessions
Hunter	Molinari	Shadegg
Hutchinson	Moran (KS)	Shaw
Hyde	Moran (VA)	Shays
Inglis	Morella	Sherman
Istook	Murtha	Shimkus
Jenkins	Myrick	Shuster
John	Nethercutt	Sisisky
Johnson (CT)	Neumann	Skeen
Johnson, Sam	Ney	Smith (MI)
Jones	Northup	Smith (NJ)
Kaptur	Norwood	Smith (OR)
Kelly	Nussle	Smith (TX)
Kim	Ortiz	Smith, Adam
Kind (WI)	Oxley	Smith, Linda
King (NY)	Packard	Snowbarger
Kingston	Pappas	Snyder
Klink	Parker	Solomon
Klug	Pascrell	Souder
Knollenberg	Paxon	Spence
Kolbe	Pease	Stabenow
LaHood	Peterson (MN)	Stearns
Lampson	Peterson (PA)	Stenholm
Largent	Petri	Strickland
Latham	Pickering	Stump
LaTourette	Pickett	Sununu
Lazio	Pitts	Talent
Leach	Pombo	Tanner
Lewis (CA)	Pomeroy	Tauscher
Lewis (KY)	Porter	Tauzin
Linder	Portman	Taylor (MS)
Lipinski	Pryce (OH)	Taylor (NC)
Livingston	Quinn	Thomas
LoBiondo	Radanovich	Thornberry
Lowey	Ramstad	Thune
Lucas	Regula	Tiahrt
Luther	Reyes	Traficant
Manton	Riggs	Turner
Manzullo	Riley	Upton
Mascara	Roemer	Visclosky
Matsui	Rogan	Walsh
McCarthy (MO)	Rogers	Wamp
McCarthy (NY)	Rohrabacher	Watts (OK)
McCollum	Ros-Lehtinen	Weldon (FL)
McCrery	Roukema	Weldon (PA)
McDade	Royce	Weller
McDermott	Ryun	Wexler
McHale	Salmon	White
McHugh	Sanchez	Whitfield
McInnis	Sandlin	Wicker
McIntosh	Sanford	Wise
McIntyre	Saxton	Wolf
McKeon	Scarborough	Young (AK)
Metcalf	Schaefer, Dan	Young (FL)
Mica	Schaffer, Bob	

## NOES—132

Abercrombie	Frank (MA)	Millender-
Allen	Frost	McDonald
Baldacci	Gejdenson	Miller (CA)
Barrett (WI)	Gephardt	Mink
Becerra	Gonzalez	Moakley
Berman	Gordon	Mollohan
Bishop	Gutierrez	Nadler
Blumenauer	Hall (OH)	Neal
Bonior	Hastings (FL)	Oberstar
Borski	Hilliard	Obey
Boswell	Hinchey	Olver
Boucher	Hinojosa	Owens
Brown (CA)	Hoyer	Pallone
Brown (FL)	Jackson (IL)	Pastor
Brown (OH)	Jackson-Lee	Paul
Carson	(TX)	Payne
Clay	Jefferson	Pelosi
Clayton	Johnson (WI)	Poshard
Clement	Johnson, E.B.	Price (NC)
Clyburn	Kanjorski	Rahall
Conyers	Kennedy (MA)	Rangel
Costello	Kennedy (RI)	Rivers
Coyne	Kennelly	Rodriguez
Cummings	Kildee	Rothman
Davis (IL)	Kilpatrick	Roybal-Allard
DeFazio	Kucinich	Rush
DeGette	LaFalce	Sabo
Delahunt	Lantos	Sanders
DeLauro	Levin	Sawyer
Dellums	Lewis (GA)	Schumer
Dingell	Lofgren	Scott
Dixon	Maloney (CT)	Serrano
Engel	Maloney (NY)	Skaggs
Eshoo	Markey	Slaughter
Etheridge	Martinez	Spratt
Evans	McGovern	Stark
Farr	McKinney	Stokes
Fattah	McNulty	Stupak
Fazio	Meehan	Thompson
Filner	Meek	Thurman
Foglietta	Menendez	Tierney

Torres	Waters	Woolsey
Towns	Watt (NC)	Wynn
Velázquez	Waxman	Yates
Vento	Weygand	

## NOT VOTING—8

Andrews	Kasich	Skelton
Flake	Klecza	Watkins
Hefner	Schiff	

□ 1543

Mr. FORD changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. KASICH. Mr. Speaker, on rollcall No. 127, I was inadvertently detained in a budget meeting. Had I been present, I would have voted "yes."

## GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore (Mr. COMBEST). Is there objection to the request of the gentleman from New York?

There was no objection.

# AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2, HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that in engrossment of the bill, H.R. 2, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1545

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COMBEST). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HULSHOF] is recognized for 5 minutes.

[Mr. HULSHOF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

# RECOGNITION OF CUSTOMS AND INS INSPECTORS AS LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas [Mr. REYES] is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, I rise today on behalf of the men and women, officers and inspectors of the Immigration and Naturalization Service and the U.S. Customs Service and ask all of my colleagues to support H.R. 1215 which was recently introduced by my friend and colleague, the gentleman from California [Mr. FILNER]. This bill will grant the same law enforcement status to inspectors of the INS and Customs as all other Federal law enforcement officers. This action is long overdue, in my opinion.

The inspectors of the INS and Customs carry a badge, a gun, and are exposed to the same rigors, challenges, and dangers of any other law enforcement officer in the United States. Last year alone, there were more than 280 million border crossings, all requiring inspection and many escalating into violent conflicts, yet we have not provided our inspectors with the same benefits and security as other law enforcement officers. I know firsthand what these inspectors are asked to deal with on a daily basis.

I spent 4 years as an inspector at the various ports of entry around El Paso, and I can tell my colleagues that I sympathize with these men and women who put their lives on the line each and every day.

In the past 2 years, 140 inspectors have been assaulted along our Nation's borders. During fiscal year 1995, we had 88 assaults on our inspectors. During fiscal year 1996, there were 52. I think it is important, Mr. Speaker, that we recognize that on any given day, our officers, our inspectors at those ports of entry are subject to being attacked and being injured.

It is time that we recognize these courageous men and women and provide them with the benefits that they have earned and rightfully deserve. I urge all of my colleagues to support H.R. 1215. It is time we recognize the inspectors of INS and Customs as law enforcement officers.

Mr. Speaker, at this time I yield 2½ minutes to my colleague, the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding. I am especially honored by his support of this legislation. His stature as a former chief patrol agent in El Paso is recognized around the Nation. The gentleman knows the problems, he has been effective in dealing with them, and I again appreciate joining with him in this legislation.

Mr. Speaker and colleagues, in the spirit of National Police Week, I rise to honor 43 courageous U.S. Customs and Immigration and Naturalization Service inspectors who were killed in the line of duty, and honoring at the same time the inspectors who currently perform the same dangerous work the others died doing. The most recent of these brave officers to fall are Customs Inspectors James Buczel and Timothy

Cal McCaghren, and INS inspectors Reynaldo DeLaGarza and Tammy Aamodt. The inspectors' names are engraved in the wall of the National Law Enforcement Memorial here in Washington, DC. Yes, I said the National Law Enforcement Memorial. Yet, as my colleague stated, while they lived and while they did their job, they were not considered law enforcement officers. Only when they died did they get that honor.

My bill, H.R. 1215, will finally grant the same status to U.S. INS and Customs inspectors as all other Federal law enforcement officers and firefighters.

These inspectors are the country's first line of defense against terrorism and the smuggling of drugs through our borders and our large international airports. My district is home to the busiest port of entry in the world: 200,000 people a day cross the border in San Ysidro, San Diego. The inspectors face daily dangerous felons and disarm people carrying every weapon imaginable. Shootouts with drug smugglers happen all too frequently.

Because of the current lopsided law, INS and Customs lose vigorous, trained professionals to other law enforcement agencies and also lose millions of dollars in training and revenues that experienced inspectors help generate.

It is time we value our INS inspectors and Customs inspectors, both living and dead. I urge the support of H.R. 1215 to correct the unequal treatment of these Federal law enforcement officers.

Mr. Speaker, I yield back to my colleague, the gentleman from Texas [Mr. REYES], who knows all too well the valor of these fine Federal employees.

Mr. REYES. Mr. Speaker, it is indeed an honor and a privilege for me, knowing exactly what these men and women go through each and every day as they carry out their duties at the frontline of defense for this Nation.

I again would like to urge all of my colleagues to support H.R. 1215. It is time we recognize the inspectors of the INS and Customs for the law enforcement officers that they truly are.

#### STEP 21—RESTRUCTURING OUR HIGHWAY FUNDING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I rise on an issue that is of great concern to the Nation this year, the restructuring of our system of highway funding.

Earlier this year, with the help of my colleagues, the gentleman from California [Mr. CONDIT], the gentleman from Indiana [Mr. BUYER], the gentleman from Indiana [Mr. HOSTETTLER], and many others, I introduced the ISTEA Integrity Restoration Act, H.R. 674, also known as the STEP 21 proposal.

Our bill has 101 cosponsors and it is very bipartisan. It has strong support

in the Senate and has a bipartisan coalition of 20 State departments of transportation behind it. The Southern Governors Association has endorsed STEP 21, and many private sector industries and associations have mobilized behind our bill.

H.R. 674 accomplishes four primary objectives. First, it maintains a strong Federal role in transportation by funding the national highway system as the key responsibility. Under STEP 21, 40 percent of a State's funds must be spent on NHS roads or bridges.

Second, it simplifies and makes more flexible the Federal highway program by consolidating the myriad of existing highway programs into two, the national highway system program and the streamlined surface transportation program. Within these programs, Federal funds may still be spent on all ISTEA activities that are currently allowed. This means CMAQ enhancements, bridges, et cetera. However, removing the mandated Federal set-asides gives States and local transportation officials the flexibility and responsibility to decide on what, when, where, and how much to spend to meet the individual and diverse transportation needs.

Third, our bill updates the antiquated Federal funding distribution formulas. Currently, outdated factors such as 1980 census figures and postal route mileage are used to determine each State's share of highway funds. We believe formulas should be based on need.

The Federal Highway Administration issued a scientific study that defines need in a statistically accurate manner to show what factors are related to road maintenance needs. The top three factors are: vehicle miles traveled, annual highway trust fund contributions, and lane miles. H.R. 674 uses these three factors, which demonstrate where highways are actually being used, in allocating resources to the States.

Fourth, our bill creates an objective, simple method of distributing highway funds among the States that strikes a more equitable balance between taxes paid and funds returned. We ensure that all States receive at least 95 percent return on the payments made to the Federal highway trust funds. States like Texas have been short-changed for too long.

Over the life of ISTEA, Texas taxpayers received 77 cents back for every dollar they contributed to the highway trust fund. Clearly there is a need for greater equity where States like Massachusetts receive \$2.41 back for every dollar they put in. However, in order to guarantee that we maintain a strong national road system, our bill also has provisions to ensure an adequate level of resources for highways in low population density States that do not have the tax base to support their needs.

This point leads me to one other issue. Many have characterized supporters of STEP 21 as a southern State coalition or a donor State coalition.

Our provisions to protect the current highway funding levels of low population States were included specifically to reach out to nonsouthern and nondonor States such as Montana, Wyoming, and New Hampshire. Further, while the STEP 21 coalition includes many southern States, it also includes nonsouthern and nondonor States such as Wisconsin, Minnesota, and Nebraska.

In sum, we call our bill the ISTEA Integrity Restoration Act because we believe it restores the original intent of ISTEA to promote State flexibility and to direct dollars where the greatest need exists. It strikes the appropriate balance between the national interests in highways and the rights and responsibilities of each State.

I look forward to continue to work with the Committee on Transportation and Infrastructure and the rest of my colleagues on this legislation as it develops.

#### GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

#### OFFICER BRIAN GIBSON TAX-FREE PENSION EQUITY ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, come tomorrow, we will be celebrating the 16th annual National Peace Officers Memorial Day, and the President of the United States is going to be here on the west front. I am sure, regardless of party, many of us are going to be out there to honor slain police officers. It is the culmination of National Police Week, and I come to the floor this afternoon to encourage my colleagues to do something more than mourn slain police officers.

I have sponsored the Officer Brian Gibson Tax-Free Pension Equity Act of 1997. This is a bill that has almost no fiscal consequences, but it would allow the families of officers killed in the line of duty to receive survivor benefits tax-free.

We already allow officers who retire on disability to receive their benefits tax-free. Surely we would want to this year erase the disparate treatment between officers who still live, but are disabled, and survivors of officers who have been killed in the line of duty. Is this small deed merely honorific, or is it necessary?

□ 1600

I got the idea, Mr. Speaker, when Officer Brian Gibson was killed a few months ago. I learned that this officer was only 28 years old and had left infants behind. Then, right after that,

two more officers were killed. Each had young children, ages 5, 3 months, 3 years. Each of them had been on the police force only a few years; 3 years, 4 years.

Even though a slain police officer gets generous treatment because he gets a larger percentage of his pension than he would otherwise get, even getting half of the pension you have earned when you have only been on the force 4 or 5 years is not going to pay the mortgage, it is not going to put the kids through college.

There is going to be a lot of rhetoric tomorrow, as there has been all week, about our officers who have given up their lives to protect us, and well there might be, because in a real sense going out on these streets today is going to war. This is not cops and robbers. It used to be that. They had a gun, you had a gun. Indeed, our police were able to take care of what needed to be done.

Today, as we saw in the shootout in California a few weeks ago, they have outgunned our police officers, or, as in the District in recent weeks, they are so brazen as to engage in execution or assassination of police officers.

What do we say to a young widow? If you go to three funerals in a row, as I have, and you cry and talk about how sorry you are, then what are you going to do? One of the things I am going to do, I assure the Members, with another bill that I have written, is to get the Federal police officers outside of these Government buildings so they give some aid to the D.C. police, who then can go into the high crime areas and perhaps protect policemen like Officer Brian Gibson who was not protected, as he was in the District by himself and alone in a police car.

If Members want to do something besides talk about it, besides mourn about it, let us think of these families and take this bill, which has de minimis cost. I do not think it would even register. I have every reason to believe it would not. I have done some preliminary checking.

Let us move forward and say we are going to do something this 16th Annual National Police Officers Memorial Day. We are not going to come up with remedies that do not work. We will not divide over who is for gun control or who is not for gun control. We are going to lay down our weapons. Our weapons are our debating points.

We are going to come together on the proposition that when a police officer goes out here with his life on the line, and when he gives it for his community, at the very least we are going to stand up on this Congress and we are going to say, we are going to take care of your family. We assure you, we are going to take care of your family.

Since we do not pay for police officers but we do tax them, we promise that as we do not tax officers who retire on disability, we will not tax your wife and your children who are left here by themselves. We will pull back, with almost no cost to this extraor-

dinarly rich Government, and say, this is our contribution to the family that has been left behind.

It is a small, I concede, a small point and a small bill, but for that very reason I think we would want to mark National Police Week this week with this bill that of course is supported by Members. It is bipartisan, and I urge support from both sides of the aisle.

#### STEP 21 HAS SUPPORT FROM LOCAL GOVERNMENTS AND METROPOLITAN PLANNING ORGANIZATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BUYER] is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, I appreciate the remarks of the gentlewoman from the District of Columbia [Ms. NORTON], and her comments.

Mr. Speaker, the topic I would like to talk about today is on STEP 21. The main point is specifically that local governments and the metropolitan planning organizations do in fact support STEP 21.

I want to give a special recognition and thank the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. CONDIT] for their work on STEP 21. The continuous and bitter battle over transportation funding has caused a great amount of misinformation to be spread all around.

Those who endorse the status quo, whether they are against the flexibility to the States or enjoy the funding inequities of the formula, they have tried to mislead Congress and others into believing that local government and the MPOs, the metropolitan planning organizations, are opposed to STEP 21.

I have letters of support here that I will place into the RECORD from those who support STEP 21, the first being in particular the mayor, Mayor Goldsmith of Indianapolis. His quote is, "... as the mayor of one of the Nation's largest cities, I enthusiastically support the STEP 21 proposal."

The Association of Indiana Counties say that STEP 21's features will give the ability for them to make "... funding choices that make sense for our counties, not the one-size-fits-all approach of current law."

The Evansville Urban Transportation Study, which represents the MPO for southern Indiana: "The STEP 21 legislation continues to support strong planning through the continuation of support for metropolitan planning organizations."

Mayor Heath of Lafayette, Indiana: "It is important for you to know that the State of Indiana, in partnership with its local governments, supports the STEP 21 effort."

The Indiana Metropolitan Council: "The Indiana MPO Council represents the 12 urbanized areas of the State of Indiana. This letter extends the MPO Council's support of STEP 21 legislation."

Obviously, Mr. Speaker, the statements that local governments and MPOs are opposed to STEP 21 is false. As a matter of fact, it is an outright lie for those who endorse such a statement. I urge all of my colleagues to look past the misinformation being spread around.

STEP 21 preserves all of the current law's local planning authority. Indiana is just one example of a State where the governments, the organizations, and residents are well-informed and understand that STEP 21 maintains the role of local governments and MPO's in making the transportation decisions that affect their communities.

One of my continuing priorities as a Member of Congress is to pull in the reins of a massive Federal Government to ensure that decision making be returned to the States and local governments. I abhor the Washington-knows-best mentality where the massive Federal Government has control over the decisions that should be made at the local and State levels.

I would not be here this afternoon endorsing the STEP 21 bill if it removed the decision making of our State and local governments. STEP 21 not only brings fairness and equity to the funding distribution formula, it allows the local governments and the MPO's to have control over the decision making process of their own local communities. STEP 21 should pass this House, and it is a worthy cause to bring flexibility to the States, fairness in the equity funding formula. I again salute the gentleman from Texas [TOM DELAY] and the gentleman from California [Mr. CONDIT].

CITY OF INDIANAPOLIS,  
Indianapolis, IN, April 18, 1997.

Hon. DAN COATS,  
U.S. Senate, Washington, DC.

Hon. RICHARD G. LUGAR,  
U.S. Senate, Washington, DC.

DEAR SENATORS COATS AND LUGAR: As the debate moves forward on the reauthorization of federal transportation programs this year, much is being said about the impact on local governments of the Streamlined Transportation Efficiency Program for the 21st Century, or STEP 21 proposal. It is important for you to know that as the mayor of one of our nation's largest cities, I enthusiastically support the STEP 21 proposal.

STEP 21 preserves all of the current law's local planning authority as well as all current funding guarantees for urban areas. In as much as STEP 21 would direct more funding to states like Indiana, urban areas like Indianapolis will be guaranteed more funding for our much needed transportation infrastructure projects. An added bonus of STEP 21's streamlining and flexibility features will be the ability for us to make funding choices that make sense for our community, not the one size fits all approach of current law.

I appreciate your efforts in working toward passage of the STEP 21 program, which finally directs a fair share of transportation funds to our state and its communities.

Sincerely,

STEPHEN GOLDSMITH,  
Mayor.

ASSOCIATION OF  
INDIANA COUNTIES, INC.,  
Indianapolis, IN, April 23, 1997.

Hon. STEVE BUYER,  
U.S. House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN BUYER: As the debate moves forward on the reauthorization of federal transportation programs this year, much is being said about the impact on local governments of the Streamlined Transportation Efficiency Program for the 21st Century, or STEP 21 proposal. It is important for you to know that as an association of county officials, the Association of Indiana Counties enthusiastically supports the STEP 21 proposal.

STEP 21 preserves all of the current law's local planning authority and funding guarantees. In as much as STEP 21 would direct more funding to states like Indiana, local governments will be in line for more funding for our much needed road, street and bridge projects. An added bonus of STEP 21's streamlining and flexibility features will be the ability for us to make funding choices that make sense for our counties, not the one size fits all approach of current law.

I appreciate your efforts in working toward passage of the STEP 21 program, finally directing a fair share of transportation funds to our state and its cities, towns and counties.

Sincerely,

BETH O'LAUGHLIN,  
Executive Director.

EVANSVILLE URBAN  
TRANSPORTATION STUDY,  
Evansville, IN, April 25, 1997.

Representative STEVE BUYER,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE BUYER: The Evansville Urban Transportation Study (EUTS) represents the Metropolitan Planning Organization (MPO) for southern Indiana. This letter extends the EUTS Policy Committee's support of the STEP 21 legislation, Streamlined Transportation Efficiency Program for the 21st Century, which is being considered by Congress.

The STEP 21 legislation continues to support strong planning through the continuation of support for metropolitan planning organizations. Additionally, STEP 21 will guarantee state and local governments a minimum return of 95 cents on the dollar (rather than the 82 cents Indiana now receives). STEP 21 provides funding formula guarantees to urban areas of 200,000 plus population, and continued agreement with the Indiana Department of Transportation (INDOT) will allow STEP 21 to benefit the urban areas of less than 200,000 in population. It is important that large and small urban areas continue to be represented through the MPO process.

The EUTS Policy Committee strongly supports the return of more federal funds to local and state uses. STEP 21 provides the people of Indiana with an opportunity to continue their participation in a cooperative planning process and to receive back, in the form of transportation infrastructure, a higher return of the dollars sent to Washington, DC.

Please support the STEP 21 program. The additional revenue would assist Indiana and other donor states in meeting the many challenges it faces in addressing future economic, social and infrastructure needs. I respectfully appreciate your support.

Sincerely,

ROSE M. ZIGENFUS,  
Executive Director.

CITY OF LAFAYETTE,  
OFFICE OF THE MAYOR,  
Lafayette, IN, April 24, 1997.

Hon. ED PEASE,  
Cannon House Office Building,  
Washington, DC.

DEAR REPRESENTATIVE PEASE, In this year's reauthorization of federal transportation programs I want you to know of my support for getting a fair share of federal highway funds for Indiana. I believe that the STEP 21 (Streamlined Transportation Efficiency Program for the 21st Century) program is the way to accomplish that goal.

It is important for you to know that the State of Indiana, in partnership with its local governments, support the STEP 21 effort. I appreciate your efforts on behalf of the STEP 21 program which will bring a fairer share of our highway taxes back to Indiana communities.

Sincerely,

DAVE HEATH,  
Mayor.

MPO COUNCIL  
July 16, 1996.

Congressman PETER J. VISCLOSKEY,  
Cannon House Office Bldg.,  
Washington, DC.

DEAR CONGRESSMAN VISCLOSKEY: The Indiana Metropolitan Planning Organization (MPO) Council represents the twelve urbanized areas of the state of Indiana. This letter extends the MPO Council's support of the STEP 21 legislation (Streamlined Transportation Efficiency Program for the 21st Century) which is currently being drafted by a consortium of states nationwide, and considered by Congress.

The STEP 21 legislation continues to support strong planning through the continuation of support for metropolitan planning organizations. Additionally, STEP 21 will guarantee state and local governments a minimum return of 95 cents on the dollar (rather than the 82 cents Indiana now receives). STEP 21 provides funding formula guarantees to urban areas of 200,000 plus population. The MPO Council also represents urban areas of under 200,000 in population. It is important that large and small urban areas continue to be represented through the MPO process.

The Indiana MPO Council strongly supports the return of more federal funds to local and state uses. STEP 21, as described in this letter, provides the people of Indiana with an opportunity to continue their participation in a cooperative planning process and to receive back (in the form of better highways) a higher return of the dollars sent to Washington D.C.

Please support the STEP 21 program as described. The additional revenue would assist Indiana in meeting the many challenges it faces in addressing future economic, social and infrastructure needs. We respectfully appreciate your support.

#### STEP 21, THE NEXT LOGICAL STEP TO ISTEA IN REFORMING TRANSPORTATION FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CONDIT] is recognized for 5 minutes.

Mr. CONDIT. Mr. Speaker, as our transportation needs change going into the 21st century, our current funding formula dating back to 1916 needs to be updated. H.R. 647, STEP 21, is a commonsense approach to reforming transportation funding that simplifies and

reduces the complex ISTEA program and funding set-aside. STEP 21 is not a substitute bill for ISTEA. It represents the next logical step to ISTEA. Our focus is strictly on highway funding. Our purpose is to create equity among the States. It is time to fix an outdated funding formula. We need to strike a balance between equity and meeting our transportation needs.

STEP 21 ensures a true 95 percent return on States' contributions to the Federal highway trust fund. In California, STEP 21's funding formula would mean an additional \$500 million per year over the life of ISTEA. California deserves a better rate of return. When we factor out emergencies and transit funding, California receives 86 cents on the dollar, and that is wrong. The question is one of equity, and it is time for California to receive her fair share.

The argument is not whether the Federal Government should play a role in administering the highway program, it is how big, how big the Federal role should be. It is time to allow States and local officials the flexibility to solve their own unique set of problems. STEP 21 gives local governments more flexibility without endangering CMAQ or enhancement programs. It allows them to decide how to best spend the money, whether it is in improving the air quality, improving traffic problems, or building more bicycle trails.

It does not change current MPO structures. Under STEP 21, MPO's will continue to receive the same set-aside they receive under ISTEA. It is time for greater equity and more local control. It is time for STEP 21.

Mr. Speaker, I would like to also commend the gentleman from Texas [Mr. DELAY] for his leadership in this area. He has done great work for us. I believe that the country will benefit from us passing STEP 21.

#### WHY STEP 21 AND ISTEA IS GOOD FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, as a Member from a so-called donor State, I rise in strong support of the STEP 21 program. This program would permit each State to receive a far more equitable return on what is paid into the Federal highway trust fund. My State, Tennessee, has received only 78 cents for every \$1 we have contributed over the last few years. This is not fair, and it is not right. With the passage of STEP 21, each State will be assured of at least a 95 percent return on its contribution to the Federal highway trust fund. Not only will STEP 21 benefit Tennessee, but it will benefit the entire Nation by providing a consistent economic benefit for all States.

In addition, STEP 21 lets the States decide where they want to spend their highway trust fund allocation. Tennesseans do not need Washington to

dictate to them what they need and how to spend it. Every State has different needs, and every State is capable of providing for their own funding in this way, making the decisions.

This proposal provides the flexibility, the STEP 21 proposal provides the flexibility to tailor transportation solutions to their particular circumstances by returning the decision-making to the State and local levels. Mayors, county executives, Governors, and other elected officials from around the country have endorsed the flexibility of STEP 21 because they would have the power to determine how transportation dollars are spent.

One area of the present law which needs to be changed is the one dealing with the metric system. Last year I introduced H.R. 3617, which was a bill to amend the National Highway Designation Act relating to metric system highway requirements. Instead of reintroducing this bill, I am going to attempt to add the language of this to the current ISTEA legislation.

This language would repeal the mandate that all Federal-aid highway design and construction be performed in metric. Under this legislation, the choice of whether to use the metric system in design and construction of Government projects would be left to the discretion of the States, as it should be. My proposal could conceivably save hundreds of millions of dollars.

For example, just one medium-sized Tennessee contractor told me that it will cost his company alone more than \$1 million to convert forms and equipment and train his employees to comply with these metric mandates. In addition, another company in my State told me that its cost of conversion would be a minimum of \$3 million.

When I asked the Congressional Research Service to see if there were any estimates on how much this conversion would cost across the Nation as a whole, the only answer they could come up with was that it could not be determined, but it would be in the billions.

There are companies in every State which face many millions in similar costs if something is not done. Many small- and medium-sized businesses and even a few large American companies are being hard hit by the metric requirements, all for the convenience of a few extremely large multinational companies which do not really need our help.

Some people say we must convert to the metric system of measurement because most of the world has done so. In my opinion, this is simply not a good enough reason to cost American taxpayers and consumers hundreds of millions of dollars. These requirements do not make our roads one bit better. Simply, the benefits of these metric requirements do not outweigh their costs.

Removing this metric mandate will go a long way to help small business.

We have never been afraid to be a special and unique Nation in the past, Mr. Speaker. So to say that we must go metric because most other nations have is just not a good reason, either.

Mr. Speaker, I urge my colleagues to support STEP 21. By doing so, they will be supporting fairness and equity in our highway funding system. I urge their support for STEP 21.

I would also like to commend the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. CONDIT] for their leadership on this issue. We need the STEP 21 legislation to put fairness and equity back into our highway funding system.

#### STATEMENT IN SUPPORT OF STEP 21

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. GOODE] is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, I rise in support of STEP 21, and also commend the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. CONDIT] for their leadership and work on this issue.

There is an old saying in the Fifth District of Virginia that the best way to figure out where to build a new sidewalk is to look for the worn path through the grass. That saying applies equally well to the construction of roads.

In my district, which is geographically larger than some States, there are barely 30 miles of interstate highway and what amounts to miles and miles of well-worn paths through the grass and across the creeks and rivers and through the mountains.

Those well-worn paths are the roads that comprise the transportation network of the Fifth District of Virginia, a network that inhibits economic development, endangers our citizens who travel the roads, and were built for far less traffic than they are asked to handle today.

Yet, in this fiscal year, it is estimated that Virginia will receive only 81 cents in transportation funds for every dollar in gas taxes that we pay to Washington. Last year that amount was 74 cents for every dollar paid.

In fact, over the course of ISTEA, Virginia will receive an average of only about 83 cents for every dollar Virginians send to the Federal highway trust fund. And so today I rise in support of STEP 21. STEP 21 is a bipartisan proposal. It adopts a funding formula to more equitably distribute the money that Americans pay as gas taxes. STEP 21 assures that every State will receive at least 95 cents on the dollar. STEP 21 will make ISTEA's promise of funding fairness a reality.

Mr. Speaker, as the House continues to consider ways in which to create an intermodal transportation network that will treat every State fairly, that will increase safety on the highways, and that will create opportunities for

economic development, I urge my colleagues to support STEP 21, the ISTEA Integrity Restoration Act.

#### IN SUPPORT OF STEP 21 PROPOSAL

The SPEAKER pro tempore (Mr. COMBEST). Under a previous order of the House, the gentleman from Texas [Mr. TURNER] is recognized for 5 minutes.

Mr. TURNER. Mr. Speaker, I rise in support of H.R. 647, the STEP 21 proposal, and I join my colleagues in thanking the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. CONDIT] for the leadership that they have given on this very important issue. STEP 21 is an effort to bring equity and fairness to the financing of our highway systems in this country.

Each of us have our individual list of highway needs. As I look at the Second District in Texas that I represent, I know we are working hard to try to bring about the Interstate 69 project, which is a vital corridor from mid-America into and through Texas to Mexico to access the markets opened by NAFTA.

We have projects like Interstate 10 that are badly in need of repair, where a very dangerous curve has cost the lives of several individuals. We have projects like loop projects in the city of Cleveland, projects that cannot be funded unless we adequately and fairly fund our highway system.

As a former member of the Texas Senate, I know how important Federal highway funds are to our States; and it is for that reason that I think it is even more important that that funding be fair and equitable.

Since 1992, Texas has received back only 77 cents of every dollar that Texans contributed to the Federal highway fund. That is not fair, that is not equitable, and that is not consistent with the highway needs of Texas or any other State that is short-changed under the current formulas.

This policy is not only bad for Texas, it is bad for the country, because it is true that contributions to the Federal highway trust fund, those gasoline taxes that we all pay, are reflective of highway usage in our States. STEP 21 would ensure that every State gets back at least 95 cents of every dollar that we pay in Federal gasoline taxes to the Federal highway trust fund.

STEP 21 also ensures greater flexibility in the expenditure of funds by our States. Having come from the Texas legislature, I trust Texans to know what is best for Texas highways, and I think this proposal gives our States the kind of flexibility that they need and they deserve to meet their growing transportation needs.

This is not just a question of regional equity. This is a question of national interest. All of us depend upon a good system of transportation. The traffic that flows from Texas to the East



Coast or to the West Coast is equally important to all of us. We cannot build a transportation system that is sufficient to meet the needs of this country unless we are willing to do away with the outdated and inefficient formulas that are in the current law.

Texas and other States who have been contributing more than they are getting back want some relief. And in these times of tight budgets, when we are working hard to balance the Federal budget, and when those Federal dollars are shrinking, it is even more important that the limited dollars that we have be passed out in a fair and equitable manner.

I hope that this Congress will see fit to enact H.R. 647 because it will bring fairness to all of our States by improving the Federal transportation system that we all depend on.

#### STREAMLINED TRANSPORTATION EFFICIENCY PROGRAM FOR THE 21ST CENTURY (STEP 21)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BOYD] is recognized for 5 minutes.

Mr. BOYD. Mr. Speaker, I also rise and want to thank the gentleman from California [Mr. CONDIT] and the gentleman from Texas [Mr. DELAY] for giving us the opportunity to address this issue of transportation funds.

Twenty-five States have received less than they put into the highway trust fund, and 17 States have gotten back less than 90 cents on the dollar. When that happens, the Federal highway program is clearly broken.

Personally, I am also cosponsoring a piece of legislation called the Transportation Empowerment Act that would return most of the highway program dollars to the States. However, because of our makeup here in Congress and particularly in the Senate, that is a piece of legislation which probably will not move as STEP 21 will. So I am also supporting STEP 21. I think that is the logical mainstream proposal that can fix the existing problems in the current law while still maintaining an appropriate Federal role in highways.

It is intriguing to me that as we stand here, 3 years from the 21st century, that we are dealing with proposals in our Federal highway funding program that uses formulas that date back to 1916. These two particular formula factors that we are talking about, lands area and postal route mileage, come from a time when the national highway system did not exist, for obvious reasons; there were not any cars. In fact, the national highway system did not come into effect until 1956.

Mr. Speaker, I believe that these two factors, land area and postal route mileage, may have made some sense in a time when we were trying to get our horse and buggy out of the mud, but today they have little value at a time when we are trying to get our cars out

of traffic. I would just like to remind my colleagues that what we are dealing with here is a gas tax, not a hay tax for horses.

I applaud the fact that the administration has stepped up to the plate and released their own plan for the reauthorization of ISTEA, which is called NEXTEA, but I want to remind you that this proposal is a giant step in the wrong direction.

The proposal maintains a State guarantee payback from the highway trust fund is at 90 cents, 90 percent, 90 cents on the dollar. However, I would like to remind my colleagues that over the last 5 or 6 years, even though we were guaranteed 90 cents return in ISTEA, Florida has averaged 77 cents on the dollar in gas taxes cents to Washington that would come back to Florida to help us with our roads. That is unacceptable.

According to the U.S. Department of Transportation's own calculations, the funding allocation under ISTEA for the State of Florida during the fiscal years 1991 through 1997 was approximately 4.28 percent. Under the NEXTEA proposal, those numbers will move to 4.08 percent. Certainly, that is less money. I am in the situation, Florida is in the situation with many other States in that we will be getting a much smaller slice of a larger pie, and that is not acceptable.

Proponents of NEXTEA have been arguing that 49 States also receive more dollars. But as I said earlier, that is simply because we have more dollars in the pot to carve up and we, in fact, will be getting a smaller slice. As a long-time donor State, Florida has consistently worked to provide greater funding equity in the Federal highway program. This legislation, STEP 21, is a clear step in the right direction, while also giving States more flexibility over how best to meet their individual transportation needs.

STEP 21 is a streamlined, common-sense approach to the current Federal program. It replaces a 40-year-old program, a program which was put in place to build an interstate highway system, and it replaces a system with a more decentralized approach that will allow the States to respond to changing statewide needs with adequate resources.

STEP 21 streamlines the program's structure, increases State flexibility and provides financial equity. STEP 21 will guarantee a return of at least 95 cents on the dollar back to the States. It does that through allocating 40 percent into a Federal highway pot, and then it takes 60 percent and returns it to the States through a new streamlined surface transportation program.

Many opponents argue that it will derail such programs as congestion mitigation and air quality programs and also transportation enhancement programs, such as bicycle trails and pedestrian trails. That simply is not true. There is nothing in this piece of legislation that prohibits those programs from going on.

I would like to remind my colleagues that the CMAQ, that is congestion, mitigation, and air quality program, is governed by the Clean Air Act, and actually it is the Clean Air Act and not the Transportation Act that governs that.

Mr. Speaker, I would like to remind our colleagues that if we truly believe that we ought to have a government that is closer to the people, that the dollars ought to stay back in our States where they can best be used by local folks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

[Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. DEAL] is recognized for 5 minutes.

[Mr. DEAL of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### BROWNFIELDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. MALONEY] is recognized for 5 minutes.

Mr. MALONEY of Connecticut. Mr. Speaker, I yield to my colleague from Connecticut [Mr. SHAYS] for introductory remarks.

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Connecticut [Mr. MALONEY]. We have collectively between us 10 minutes and we would like to take this opportunity to talk about legislation that the gentleman from Connecticut, the Fifth Congressional District, and I have introduced dealing with old industrial sites, abandoned sites that are not in productive use in urban areas. These sites, called brownfields, are the issue that we intend to address tonight and, in fact, address in our legislation.

There are about 500,000 brownfield sites around the country in urban areas. These sites are old industrial areas that are basically lying fallow. Legislation that the gentleman from Connecticut and I have introduced attempts to address this issue. I would just say before yielding back to my colleague for a longer statement, in the city of Bridgeport, CT, last year the Clinton administration provided a grant of \$200,000 for us to inventory all these old industrial sites called brownfields. This \$200,000 was leverage for another \$2 million that helped us categorize, inventory, and begin to clean up these sites on a unified basis.

This was an initiative primarily of the Clinton administration backed by Congress. Our legislation seeks to add from the \$36 million appropriated by

the administration and Congress an additional \$50 million to begin to categorize, classify, and clean up these sites.

At the center of this legislation is the gentleman from Connecticut [Mr. MALONEY] who has time now and I will have later so we can have a dialog. I would thank the gentleman for allowing me to make this introduction and tell the gentleman that it is really a pleasure to work with him on a bipartisan basis to begin to help do this very important thing, bring businesses back into urban areas to create jobs and to pay taxes by helping to clean up these sites.

□ 1630

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentleman.

I thank the gentleman for his help and cooperation, his partnership with me in bringing forward this legislation. It is deeply appreciated.

Mr. Speaker, breathing new economic life into Connecticut's communities and stimulating growth across our Nation is my top priority in the U.S. Congress. I strongly believe we can stimulate economic growth by cleaning up contaminated industrial sites and returning them to productive use. This process, known as brownfields cleanup, allows a community to turn a barren site, once unusable by business due to concerns of sky-high cleanup costs, into valuable land that can be fruitful for years to come.

What is genuinely attractive about this process is that the entire community shares in the benefits: Area businesses acquire new land for investment. Connecticut families have new jobs. Cities and towns gain tax revenue. Local homeowners enjoy increased property values. And everyone benefits from a cleaner environment.

Turning brownfields into productive properties will have a substantial positive impact on Connecticut's future prosperity and on the prosperity of every other State in the Nation as well.

Currently, due to contamination, hundreds of thousands of industrial properties across the country are idle, and some actually have negative land value because of excessive cleanup costs.

The Naugatuck Valley, located in my district in Connecticut, was known as the Brass Valley because of its tremendous level of metal fabrication industry. Today, however, it is home to 20 percent of the brownfields sites listed by the State of Connecticut Department of Environmental Protection.

While the Naugatuck Valley was once a booming industrial area, it is now the home of a shrinking job base, abandoned industrial sites, and chronic economic challenges with unemployment rate that hovers at nearly 10 percent.

The gentleman from Connecticut [Mr. SHAYS] and I have introduced bipartisan legislation that will aggressively

address the situation and help communities like those in Naugatuck Valley thrive again. The Brownfield Economic Revitalization Act of 1997 empowers communities and residents to identify local contamination and provides them with the resources necessary to attract private investment.

By working with the EPA and the Department of Housing and Urban Development, towns and community organizations will have the ability to pay for site assessment, will have access to redevelopment grants and revolving loan funds, and will be able to leverage State, local, and private funds for redevelopment and job creation.

The act will also allow qualified taxpayers and businesses to deduct cleanup costs in the year incurred, a major new tax incentive.

I would like to share with my colleagues the success of the Waterbury Mall cleanup, which is a model of how cleaning up a brownfield is worth each and every dime.

#### SUCCESSFUL BROWNFIELDS CLEANUP

The SPEAKER pro tempore (Mr. BATEMAN). Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. MALONEY].

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentleman.

Following its closing after years of industrial activities of a brass manufacturer, a 100-acre factory site fell into disuse in the city of Waterbury. I worked to secure funding for the environmental cleanup of the site. Once clean, the site was made available to the private sector for reuse. This fall the residents of Waterbury will see the opening of one of the largest retail shopping malls in all of New England.

This new-use, successful brownfields cleanup will add hundreds of millions of dollars to Waterbury's tax base and will create 4,000 new jobs in Connecticut. The brownfield approach can of course also be used for commercial and industrial reuse and even for public recreation.

In Derby, CT, for example, we are working to reclaim an old industrial waste site known as O'Sullivan's Island for a combination waterfront park and marina. The O'Sullivan's Island project will both reclaim a valuable environmental asset and draw thousands of people every year to downtown Derby.

Successes like the Waterbury Mall and the planning now under way for Derby, can and should be replicated across the country. The Shays/Maloney Brownfields Economic Revitalization Act will ensure that that happens. It will ensure that communities and businesses have a more streamlined process which will allow them to stimulate economic growth. It will attract needed investments and stimulate welcome

activity. Connecticut's, and America's, businesses, employees, homeowners and families need and deserve this legislation, and I and the gentleman from Connecticut [Mr. SHAYS] are committed to making it a reality for all of us.

Mr. SHAYS. Mr. Speaker, our legislation increasing the funding from \$37 million to \$87 million would provide a \$200,000 maximum grant to each site assessment and redevelopment plan. It enables a community to go out throughout the community and determine what are the brownfields in their community, why these buildings are not being developed.

In some cases they will find the absence of knowledge has led people to stay away. When they come and make a more thorough review of these sites, they realize they do not have the contamination problems they might think they have, and the community is able to promote the development of this land. This money also becomes a leverage to bring in private money as well as State and local money.

It also provides a capitalization revolving loan fund of \$500,000 each in addition to the \$200,000 grant. We also are providing in our legislation \$25 million to HUD for each of the next 4 years to provide for brownfield activity to leverage some of the State and local and private funding.

I think one of the most important features of this is that it provides tax incentives. A business that comes in can expense out in the year of cost the cleanup of the sites, which makes it far more attractive to a business so that they can recoup their costs much earlier and not have to amortize it over 10, 20, 30, 40, or 50 years.

Mr. Speaker, we have seen the success that has happened, that it has provided Bridgeport. We are seeing the kinds of success in cities like Waterbury with cleaning up old industrial sites. We are looking to make brownfields into greenfields. I cannot emphasize enough the need for allowing businesses to see land in urban areas as having a positive land value, not a negative land value.

Mr. Speaker, I yield to the gentleman from Connecticut [Mr. MALONEY].

Mr. MALONEY of Connecticut. Mr. Speaker, I just conclude by making an observation that frequently people have suggested that economic development and environmental protection are inconsistent. What this legislation does is clearly demonstrate that we can accomplish both goals simultaneously. We can in fact take property that has been environmentally degraded, put it back to use, clean it up from an environmental perspective and then, putting that property back to use, stimulate and encourage and expand economic growth.

This is legislation that is good for the environment. It is good for the economy. It is good for the people of this country. I urge my colleagues to support it.

Mr. SHAYS. Mr. Speaker, we are eager to have cosponsors on this legislation. This is bipartisan. It is a Democrat and Republican bill. It has the endorsement of the President of the United States and the cooperation of the EPA. This in fact is legislation they would like to see become law, like to see these additional funds. We are looking forward to seeing it become law.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. PEASE] is recognized for 5 minutes.

[Mr. PEASE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BRADY] is recognized for 5 minutes.

[Mr. BRADY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. SESSIONS] is recognized for 5 minutes.

[Mr. SESSIONS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. CANADY] is recognized for 5 minutes.

[Mr. CANADY of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### DISASTER INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, I take this time today to talk about a couple of issues. The first one is disaster insurance and the problems that most of the States that I am familiar with, Florida, California, have with the fact that today we cannot get reinsurance in terms of casualty and property insurance for those kinds of disasters and catastrophic events that occur in our States.

Many of the States along the coast particularly of this country, whether that be the Gulf of Mexico or the Atlantic Ocean, have tremendous exposure to hurricanes. Hurricanes can do tremendous damage. In Florida a couple of years ago we had a hurricane known as Andrew. Andrew caused \$16 billion worth of damage by going through a section south of Miami known as Cutler Ridge. If that hurricane had gone through Fort Lauderdale, we are told by experts that that

hurricane would have caused \$40 or \$50 billion worth of damage. If it had gone through Miami downtown, Lord knows how much it would have cost, but it would have been a lot.

In California within a couple of weeks of Hurricane Andrew they had a relatively mild earthquake but serious enough to cause about \$12 billion worth of damage. We are likely to see hurricanes and earthquakes, particularly big earthquakes, in California that will be staggering in total losses in terms of the entire damage done in the next few years in these cataclysmic events that occur, hopefully, only once in a lifetime or once in a century. But when they occur they do enormous damage.

There is a need because the insurance capabilities of private insurance and the States are not capable of dealing with it. There is a need to have Federal involvement. That is why I introduced legislation known as H.R. 230, which would address this problem by providing a national form of reinsurance for those who provide the kind of catastrophic coverage and property and casualty coverage in hurricanes and earthquakes and other natural disaster situations.

The way this legislation would work would be that first of all there would have to be a \$10 billion or greater total loss in the natural disaster to trigger the involvement of the Federal interest. Then, when that occurred, there would be a trust fund set up in the Treasury Department, and that trust fund would be created by the sale of reinsurance contracts to insurance companies who do this kind of business at an auction, an auction set by a commission which would be developed under this legislation.

Mr. Speaker, that auction would result in premiums for the contracts being paid yearly by the insurance companies into this trust fund. Then, when we had a disaster of \$10 billion or greater all together, for the next \$25 billion in losses up to a \$35 billion disaster, the trust fund moneys would come into play and the Treasury would pay out of the trust funds on a pro rata basis to the insurance carriers the reinsurance proceeds.

This would enable a more orderly process to take place in States and in localities where these catastrophic events take place, and would eventually allow, I believe, for there to be a lowering of the insurance premiums that are now going through the roof for homeowners and business owners in these affected States. I think that it is very important that our colleagues take a look at this legislation. I would invite cosponsorship of it.

I would hope that we could move a bill of this nature or something similar to it through this Congress this session. The gentleman from New York [Mr. LAZIO], chairman of the Housing Subcommittee, has been on the floor a lot the last few days as this bill and a similar product that he has introduced and cosponsored, as he has cosponsored

mine in his committee. We are looking forward to the kind of support that will allow us to proceed to get this type of law enacted.

I might say that every State is affected by this because, if we get a pool of insurance moneys for reinsurance like this in the Treasury that is accumulated by premiums being paid by insurers, it is going to save the taxpayer money in the event of major losses.

We are talking about a supplemental appropriation now for disasters in flood prone areas and so forth. We are always going to have Federal money being spent when you have a major disaster.

If we can have an insurance pool like this that is stimulated to fill a void in the market since there is no private reinsurance to speak of for this purpose now and could lower insurance premiums for individual homeowners and businesses at the same time, we will have done two things: One, we will have helped people get insurance and afford insurance in States where catastrophic incidents and disasters occur. We will also have protected the taxpayers from losses that will occur when disasters occur and somebody comes knocking on our door for assistance.

Last but not least, in the few remaining moments I have, I would like to point out that in the Subcommittee on Courts and Intellectual Property, where I serve, a hearing is going on now dealing with the subject of judicial activism. That is a somewhat controversial topic, but a few weeks ago there was a publication, an article in Human Events, which is a known periodical, on the subject of the constitutionality of impeaching judges for going too far, for not performing in good behavior, a very scholarly work.

I do not know what that line should be. I will include for the RECORD the article from Human Events that I am referring to to be incorporated:

[From Human Events, Apr. 11, 1997]

CONGRESS SHOULD THROW THE BUMS OUT  
(By Robert J. D'Agostino and George S. Swan)

House Majority Whip Tom DeLay (R.-Tex.) recently gave voice to what many conservatives all across America have been thinking for years: Judges who flout the Constitution should be impeached, through the means provided in the Constitution itself, by a majority vote in the House followed by a two-thirds vote in the Senate. "As part of our conservative efforts against judicial activism," DeLay said, "we are going after judges."

But Senate Majority Leader Trent Lott (R.-Miss.) poured cold water on the fire DeLay had lit when he told the Washington Times that he would not consider impeaching a judge who had not committed a crime. "Not me," said Lott.

But it is DeLay, not Lott, who understands what the Framers intended to be the true constitutional role of Congress in curbing abuses of power by federal judges.

The impeachment of federal judges is a matter of congressional will. Article III, section one, of the Constitution provides that federal judges, including the Justices of the Supreme Court, "shall hold their Offices during good behavior." This is in addition to the right of Congress to remove "all civil officers" for "treason, bribery, or other high crimes and misdemeanors."

The phrase "good behavior" commonly is associated with the English Act of Settlement of 1701. That act granted judges tenure for as long as they properly comported themselves. The historical basis and the current perceptions of this language (good behavior) alike signal that the standard applying to federal judges "is higher than that constitutionally demanded of other civil officers," according to Harvard Law School Professor Laurence H. Tribe in this treatise "American Constitutional Law."

Justice Joseph Story, who served on the Supreme Court from 1811 to 1845, was of a similar view and expressed concern about judges yielding "to the passions, and politics, and prejudices of the day." It may be inferred that good behavior means fidelity to the Constitution, although Prof. Tribe might have a noninterpretive definition of fidelity.

As U.S. House of Representatives Minority Leader Gerald R. Ford (R.-Mich.) told the House on April 15, 1970, regarding a bid to impeach Supreme Court Justice William O. Douglas:

"What, then, is an impeachable offense? The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office. Again, the historical context and political climate are important; there are few fixed principles among the handful of precedents."

An energetic Congress can make sufficient time to impeach errant federal judges. In 1989 the House impeached and the Senate removed both U.S. District Judges Alcee L. Hastings and Walter Nixon.

In a decision resulting from a procedural challenge by Walter Nixon to his impeachment, the Supreme Court stated, "A controversy is non-justiciable—i.e., involves a political question—where there is a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it." (*Nixon v. United States*, 1135 Ct 732 [1993]) In other words, there is no judicial review of the impeachment process.

Impeachment is, in fact, the Court said, "the only [effective] check on the Judicial Branch by the Legislature." To suggest as some have that a legislative check on the judiciary (for other than criminal acts) would eviscerate the principal of separation of powers is absurd. The presidential veto allows the executive to check the legislative branch; the two-thirds override and the power of the purse allow the legislative to check the executive; and the Article III jurisdictional control of federal courts by the legislative and the legislative impeachment powers allow a check on the judiciary.

Founding Father Alexander Hamilton in "Federalist Paper No. 81" envisions Congress' impeachment power as a check on legislating from the bench. While discussing the reasons for considering the judicial the weakest of the three branches of government, he wrote: "And this inference is greatly fortified by the consideration of the important constitutional check which the power of instituting impeachments in one part of the legislative body [the House], and of determining upon them in the other [the Senate], would give to that body upon the members of the judicial department. This is alone a complete security. There can never be danger that the judges, by a series of deliberate usurpations on the authority of the legislature, would hazard the united resentment of the body intrusted with it, while this body was possessed of the means of pun-

ishing their presumption by degrading them from their stations. While this ought to remove all apprehensions on the subject, it affords, at the same time, a cogent argument for constituting the Senate a court for the trial of impeachments."

Of course, Hamilton was wrong when he said that judges would never usurp the powers of the legislature. Perhaps this is because Congress has refused the employ that check on the judiciary which he explicitly considered it to possess.

What then is good behavior? It is what Congress decides. There is no textual limitation in the Constitution, and thus its meaning must be left to the branch of government, the Congress, charged with the responsibility to apply it. Certainly, disregard of the plan meaning of the Constitution and the usurpation of the legislative authority are examples of misbehavior. Prof. John Baker of Louisiana State University Law Center suggests that a usable guide for deciding whether a judge has violated standards of good behavior is "if on matters pertaining to the Constitution he or she has regularly rendered decisions which can be reasonably characterized as based on 'force' or 'will' rather than merely judgment. A judge exercises 'force' or 'will' rather than judgment on an issue . . . if his or her decision is not reasonably based on the explicit text of the Constitution, one of the Amendments or evidence of the intent of the Framers and ratifying bodies of the pertinent part of the Constitution or Amendment."

In other words, Prof. Baker suggests that if a judge behaves arbitrarily and capriciously, that is, without the constraint of law, he ought to be impeached. We concur.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

[Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

[Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

[Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

[Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### AN ISSUE RELATIVE TO H.R. 1469

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, tomorrow this House is going to take up H.R. 1469, which in its major part is an emergency appropriation bill to help the flood victims in the western part of the States, particularly North Dakota, deal with a very tragic situation.

Within that bill, in title I of that bill, section 601 of that legislation makes a major change in the procurement policy under which our Bureau of Engraving and Printing operates which has never been considered by either the Committee on Government Reform and Oversight under the leadership of the gentleman from Indiana [Mr. BURTON] nor the Committee on Banking and Financial Services under the leadership of the gentleman from Iowa [Mr. LEACH].

□ 1645

Neither of the authorizing committees dealing with this subject has held so much as a single hearing on the issue that is before us and, therefore, it has no place in an appropriations bill and is clearly not an emergency matter related to the victims of national emergencies.

Now, the provision involved in section 601 requires that the Treasury Department must give capitalization subsidies to companies that are interested in becoming new suppliers of currency paper to the Bureau of Engraving and Printing. Capitalization subsidies, Mr. Speaker, are cash payments for new equipment or new facilities in order to manufacture paper. The amount of such cash payments could reach as much as \$100 million.

The manner in which this change in our law would be imposed, a change, remember, that has never been considered by either of the authorizing committees, the Committee on Government Reform and Oversight nor the Committee on Banking and Financial Services, the law would apply special provisions of our longstanding procurement laws of this Nation that were designed to induce proposals where there is no willing supplier of a commodity or a product that the Government needs and provide these cash subsidies, these capitalization subsidies, in order to induce such suppliers.

Well, there are and have been over the years willing suppliers. There is a willing supplier now and there have been on other occasions other willing suppliers. So we do not have the circumstances of the Government not having a willing supplier, and so the proposal to change the law is before us.

Section 601 also makes another change. It changes the Conte rule that had been promoted and established in 1989, under my predecessor in the first district in Massachusetts, which set the foreign ownership that could be involved in the manufacture of the American currency at 10 percent and changes that so that it can be anything up to 50 percent.

Now, our American currency is right at the very core of our national security and, actually, our sovereignty.

And most Americans, I think, believe that we should be very careful about how we deal with our currency. Well, what is the purpose of a change in the Conte law? Well, it is not as has been suggested, that no American company can vie for the contracts because they have greater than 10 percent of foreign ownership.

There is absolutely no evidence that a change in the Conte law is necessary for American paper companies to qualify as Bureau of Engraving and Printing suppliers based on their own percentage of foreign stockholders. There have been no hearings held on that. There has been no evidence taken before either the Committee on Government Reform and Oversight or the Committee on Banking and Financial Services to suggest such a thing and, in fact, the latest RFP to go out from the Treasury Department on this point has said 56 American manufacturing companies have been invited to make bids on the next set of contracts on American currency paper. All of our U.S. currency paper contract solicitations are already open solicitations and anyone can bid.

In fact, what the change in the Conte law would do is allow joint ventures with foreign national currency maker paper suppliers to get into the American currency manufacturing business.

Mr. Speaker, I ask unanimous consent for 2 additional minutes.

The SPEAKER pro tempore (Mr. BATEMAN). The Chair is not permitted to entertain the gentleman's request. The rules do not permit me to do that.

#### VIRGINIA IS PARTICIPANT IN STEP 21 COALITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. GOODLATTE] is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I rise today to speak in favor of H.R. 674, also known as the STEP 21 proposal. Like the 21 other States participating in the STEP 21 Coalition, Virginia is what is called a donor State. That means Virginia gets back less than \$1 in highway funding for every dollar we send to Washington each year in gas taxes; only 79 cents for each dollar we contribute, to be exact.

Other States are given the rest of Virginia's contributions because of an unfair funding formula set forth in the current Intermodal Surface Transportation Efficiency Act, or ISTEA. This unfair formula costs the State of Virginia and other donor States hundreds of millions of dollars each year.

Under the current formula, some States receive more than double the money they contribute to the trust fund. Massachusetts, for example, receives \$2.49 for each dollar it collects in taxes at the pumps. Connecticut has a nearly 168 percent return on its tax payments to Washington. As a result, Virginia families are forced to subsidize transportation projects in these

States and many others. While States with large areas and small populations may need to receive more money than they contribute, many of the States on the receiving end of the current ISTEA funding formula are there because of politics and not because of fairness.

Every week, as I drive back and forth from Washington to the Sixth Congressional District of Virginia, I see many unmet transportation needs. In the sixth district, road projects, such as widening Interstate 81, building Interstate 73, and improving Route 29, all need funding.

Building and maintaining a system of roads is vital to creating jobs and continuing economic development in our region. The STEP 21 proposal will improve Virginia's ability to maintain and improve its transportation system by ensuring that all States, not just Virginia, are guaranteed at least 95 cents return for every dollar sent to the highway trust fund.

STEP 21 would also guarantee the integrity of the National Highway System, recognizing the ongoing Federal interest in interstate mobility, economic connectivity, and national defense.

The other major component of STEP 21, besides the NHS, would be a streamlined surface transportation program which would provide flexible funding to allow States to respond to their specific State and local surface transportation needs without the current unnecessary Federal restrictions. By ensuring a return of at least 95 cents of every dollar for Virginia, STEP 21 would enable important transportation projects across the commonwealth to move along at a faster pace.

Ending an unfair funding formula and giving State and local governments more flexibility in transportation issues are critically important steps for this Congress to take. I urge my colleagues to join the STEP 21 Coalition and support a more equitable, flexible, and streamlined Federal transportation program that benefits the vast majority of States across the Nation.

#### TEXAS PARTICIPATES IN STEP 21 COALITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Ms. GRANGER] is recognized for 5 minutes.

Ms. GRANGER. Mr. Speaker, I rise today to join my colleagues in support of increased funding equity for donor States in the new ISTEA legislation.

Most parties agree the 1991 ISTEA law has been successful, and there is strong support for ISTEA reauthorization. The current ISTEA's major strengths are its balance of national priorities with State and local decision-making and its emphasis on the interaction between the different modes of transportation. The current ISTEA's major weaknesses are the funding inequities between the States

and the complexity of the program formulas.

My State, Texas, is one of the States that does the worst in the current highway funding formulas. For every dollar we send to Washington in gasoline tax we receive only 77 cents back for new roads and bridges. In fact, Texas is currently tied with Indiana, Kentucky, and Florida for the third worst return on our highway investment.

The reason for this is that the basic ISTEA funding formulas are ultimately not based on need or equity; rather the formulas are based on historic highway funding shares from the days when the United States was focused on completing the Interstate Highway System. These antiquated formulas are significantly favoring the northeastern States and need to be revised.

The committee's challenge will be to balance the needs of restructuring and refining ISTEA and making its formulas more equitable for all States while preserving many of the best qualities. I have joined the gentleman from Texas [Mr. DELAY], our majority whip, and 104 Members of the House of Representatives as cosponsor of the STEP 21 plan to ensure that every State receives at least 95 percent of its Federal contribution back from Washington.

The STEP 21 plan creates a national highway system program which is apportioned on a need-based formula, and a streamlined surface transportation program which is apportioned according to a State's contribution to the highway trust fund.

The STEP 21 plan is a bold proposal. It presents a challenge to Congress to produce legislation that simplifies the programming's structure and increases funding equity but still allows funding to be spent on environmental quality, safety, and enhancements. Transit is not affected by the STEP 21 plan.

If this Congress is going to move our Nation's transportation infrastructure into the 21st century, the new ISTEA bill needs to form a partnership between the Federal Government, the States and local planning organizations that makes it easier and faster to construct highway and transit projects. This means building on ISTEA to make the highway and transit funding categories more flexible so that States, metropolitan areas, and transit authorities can make the most of their limited Federal resources.

My colleagues may ask why is funding equity so important to Texas and other donor States. When most people think of transportation, they think in terms of its impact on their daily commute, the errands they run, and the traffic on the way to their kids' school. But the quality of the transportation infrastructure and transportation systems in our communities really have a much greater impact on our lives than we realize.

Transportation and transportation-related activities account for one-sixth

of the national economy each year. That is over \$1 trillion a year. For every \$1 billion spent on highways, 42,000 jobs are created. These quality jobs range from highway construction to construction service and supply to retail businesses. The condition of the transportation infrastructure in our communities has an enormous impact on whether businesses decide to locate in that area, what products are available and job creation.

Inadequate roads cost businesses and motorists thousands of dollars each year. In the Nation's 25 largest urban areas, traffic congestion costs motorists a staggering \$43 billion annually. Moreover, driving on substandard roads costs Americans an additional \$21.5 billion annually in extra vehicle costs, including wasted fuel, excess tire wear, and extra maintenance and repairs. In short, areas with strong transportation networks tend to be growing areas; places with neglected and decaying infrastructure tend to be places that businesses and people are leaving.

That is why it is so important to keep our national transportation network strong as we approach the 21st century. This is why the Federal Government must play a major role in transportation. Neither the States nor the private sector alone can produce the efficient system of infrastructure that assures the efficient movement of goods, services, and people.

Given the importance of transportation to our economy, Congress must challenge itself to find ways of increasing the amount of Federal resources available for transportation infrastructure improvements, even at a time when the need to balance our budget is so critical. As the only Republican from Texas who serves on the Committee on Transportation and Infrastructure, I am committed to making funding formula fair for all States.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1053

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill H.R. 1053.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### HEALTH INSURANCE FOR THE NATION'S CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. OLVER].

AN ISSUE RELATIVE TO H.R. 1469

Mr. OLVER. Mr. Speaker, I am very grateful to the gentleman from New

Jersey for allowing me to finish the statement that I was doing earlier under his time.

As I was saying, under the section 601 of the bill, H.R. 1469, the emergency appropriation bill which we will deal with tomorrow, there is a change in the law proposed and promoted by my predecessor Silvio O. Conte which would allow the American currency to be made by a joint partnership that had up to 50 percent foreign ownership, rather than the original law, as it was, that would allow only 10 percent ownership.

□ 1700

The reason for that is that it would allow joint ventures with foreign national currency paper suppliers. The provision in section 601 has been specifically designed to give the currency production for our American currency over to the most likely foreign player, Thomas De La Rue, the British currency maker. De La Rue is more than a billion dollar a year business that has a monopoly on the supply of currency paper to the British Government. By policy of the British Government, no American company nor even another British company is allowed to bid and compete on the British currency paper contracts.

A capitalization subsidy to such a new supplier is particularly unfair because it is a foreign manufacturer who has a monopoly in their own market. It is actually unfair for any new supplier where there is already a willing supplier, and it is certainly outside our present procurement law. It is especially unfair when it is being given to a very large company, a goliath of paper companies.

These are American taxpayer dollars we are talking about for these capitalization subsidy payments, and it is hardly the way to use our taxpayer dollars when we are trying to balance the budget.

In a final irony, we tomorrow will vote on a so-called Buy American amendment which is offered by the gentleman from Ohio [Mr. TRAFICANT]. All of us will vote for that amendment, and then in very short order we will be asked to use American taxpayer dollars to subsidize turning over the manufacture of the American currency to the monopoly in their own market British currency maker.

American taxpayers deserve better than to be asked to pay for massive capitalization subsidies for foreign companies to make our currency, and I hope that tomorrow we will not adopt section 601 of H.R. 1469 when the matter comes up before us.

Mr. PALLONE. Mr. Speaker, at this point what I would like to do is to move into the issue of kids' or children's health care. Before I do that, I just wanted to say that Democrats in general have been concerned for almost 2 years now, and have put forth as part of their families first agenda an effort and a program to try to cover the 10

million children in these United States that do not have health insurance coverage at this point.

We have been very upset, I would say, over the fact that the Republican leadership really has not made an effort to address the concern of children's health care. In fact, over the last 2 weeks what we have seen sort of on the opposite end is an effort to cut money for the Women, Infants and Children's Program, the WIC Program, which hopefully will be addressed tomorrow when the supplemental appropriation bill comes up but still has not been adequately addressed by the Republican leadership.

Just by way of background, last month the Republicans on the Committee on Appropriations, largely along party lines, voted to limit the funding for the WIC Program. For those who do not know, the program provides milk, formula, and other nutritional benefits for our Nation's children. It is short about \$76 million for this fiscal year. Most of the request, actually, for this funding to make up for the cut, most of the request came from the Governors of our 50 States, many of whom, the majority of whom actually are Republican.

Today when the supplemental appropriations bill came up on the floor to be debated for the first time and the rule was being considered, we saw the Republican leadership essentially playing a shell game with the fate of approximately 180,000 children who need the WIC Program and are not going to be funded if we do not get this additional money. What the Republican leadership did, basically, was to tie additional funding to WIC to this controversial rule and effectively gag all debate on any further amendments to meet these Governors' requests for additional WIC funding.

I cannot emphasize enough how important this WIC Program is. There are certain States like Nebraska and Arizona who have already begun to cut off nutritional assistance to many children because they are not getting this money that is needed. Believe me, more States are going to be following suit very soon if we do not have some action on the WIC Program.

I think it is important because, again, WIC is a priority. The Republican leadership has not made it a priority any more than they have made the issue of children's health care a priority. Many of us in our Democratic task force on children's health care have been complaining now for several months about the fact that the Republicans have not addressed this issue.

Last summer, Democrats began beating sort of a drum on the need to provide assistance to working families with uninsured children. This is primarily a concern of working families, because if they are of very low income, then they are eligible for Medicaid for their children. But if they are not, if they are above the Medicaid threshold, and in that case most of the people are

working, then they are not eligible for Medicaid and they are not able many times to cover health insurance for their children.

About a month ago, the Democrats finally called on the Republican leadership to move forward with a health care proposal by Mother's Day. Mr. Speaker, Mother's Day passed and the Republicans still have not produced anything. So our Democratic task force basically developed a plan of our own.

I would like to go into some of the details of this plan but I am just going to briefly, if I could, mention some of the important points. Then I would like to yield to the gentlewoman from Oregon [Ms. FURSE] because she has developed a very important part of this overall package.

Let me just say that the Democratic proposal consists of, first, an outreach program to cover the 3 million kids eligible for Medicaid who are not currently enrolled. Of the 10 million children that are not covered by health insurance right now in the Nation, approximately 3 million are actually eligible for Medicaid but for one reason or another are not enrolled, so we have an outreach program to cover them.

Second, we are expanding Medicaid to make sure kids are covered year round when they are enrolled. What happens now is oftentimes, every 3 months or so, there will be a review of the child to see whether or not they are eligible for Medicaid. That has created a lot of disruption and caused a lot of kids to not be covered by health insurance. What we are saying is that if they are eligible for Medicaid, that the child stays in the program for at least 1 year.

Then we have a Medikids grant to help cover more children in working families beyond the Medicaid Program. We are estimating that this could help working families up to \$48,000 a year in income for a family of four.

Then we have the insurance reforms to provide access to children-only health insurance policies. The gentlewoman from Oregon will explain that in more detail. Basically what that involves is, for those who cannot afford private health insurance, to make sure that they have access to it for their children.

Lastly I wanted to mention that what the Democrats are putting forward as part of our health care proposal for kids guarantees that the funds in the balanced budget agreement go directly to covering as many kids as possible. I want to commend the President. The proposed budget agreement which we will probably consider next week on the House floor does provide for a certain amount of money, I think it is estimated to be about \$17 billion over the next 5 years, to provide expanded coverage for children's health care. But we as Democrats want to make sure that this money goes directly to cover as many of these 10 million children as possible.

With that, I yield to the gentlewoman from Oregon.

Ms. FURSE. I thank the gentleman for yielding.

It is an enormous shock, is it not, to realize that 10 million American children have no health insurance? To me it just feels like that is a big national security issue. We are very, very keen to create weapons systems. But, my goodness, what about those children who if they do not get health insurance early will really suffer from a lot of diseases and conditions that could have been easily met? Where I want to congratulate the gentleman on having pulled together the task force and to work with the gentleman is terrific, because we are trying to reach those 10 million children.

What my bill does, and it comes, as always, out of constituents who have called and told me what is going on in their lives. What my bill does is it makes sure, it requires insurance companies who handle medical insurance to offer a package that is affordable and is a kids-only policy. What is affordable? We could all talk about what is affordable, but what is not affordable is a family plan that is \$400, \$500 a month for a family who maybe have lost a job, who cannot use their COBRA benefits because they cannot afford it. But what is affordable is a policy that we have in Oregon which is \$34 a month. That will cover a child from birth to 18 years in Oregon. That is the way it goes. It is \$34 a month. That allows for the family like the family who called me and said,

Congresswoman, we cannot allow our children to have a normal childhood. We don't let them climb trees because we're afraid if they fell out of a tree and got hurt, we wouldn't be able to afford to take them to a doctor. I raise my kids out in the country.

I cannot imagine what it must be like to be a parent and say to your kid that they cannot do normal kid things because we do not have health insurance for them.

Part of our Democratic package, and I think the gentleman is absolutely right, the Democrats decided this was a crisis, this was an issue that we had to deal with and that was, take care of those 10 million children. Part of those 10 million could be covered under this health insurance policy that we would require insurance companies to create. It would mean that those children whose parents, and 62 percent of the children without health insurance are children whose parents are working people. They go to work every day. They are not sitting on their couches watching television. They are going to work, but their employer does not provide them with health insurance or they just cannot afford it but they are not eligible for Medicaid. They would be able to buy this \$34 or \$35, whatever we could make available.

My bill, the part we have included in the Democratic package, will also provide that you cannot say, Well, this child has a preexisting condition, we're

not going to cover them. We are building on the Kennedy-Kassebaum bill which we passed, bipartisan bill, last year, saying it is not fair to say to people, Because you have a preexisting condition, you can't get insurance. Those are the people who need insurance. Think of the children with diabetes who need to have good medical attention, and they would be covered, because these families could afford that affordable care but they are not eligible for Medicaid.

I am pleased that we are going to be able to offer something from the Democratic Caucus that will provide for those 10 million children. Again I think what we are dealing with is a national security issue. If we do not have healthy children, we do not have healthy adults, we do not have people who can be the best and the brightest that they could be. That is a real loss to this country, it seems to me, and that is why we must step forward, we must say this is a priority, we are going to fund these things. Of course my bill does not require any government funding. It just makes available to those families who really want to look after their kids, they want to do the best for their kids. I am very pleased it is in the package and I am very pleased that we have stepped forward and said we as Democrats are going to take care of kids.

Mr. PALLONE. I wanted to say that what the gentlewoman is saying about this being perceived as a national security issue I think is very legitimate because the bottom line is that the number of uninsured children is growing. I keep pointing out to my colleagues, my constituents as well that a few years ago when the President took up the issue of health care and was trying to put together a universal health care plan at the Federal level, he was doing it because he realized that the number of uninsured in general in the country was growing. We had figures then by the year 2000 there were going to be, I do not know how many, I think then it was 30, now it is 40 million uninsured and it would be even higher by 2000. That problem has not gone away. The number of children that are uninsured continues to grow. We had information from the Children's Defense Fund which has been one of the organizations that has been taking a lead on this issue, and they said that back in June 1996, which is when the Democrats first started to put together this families first agenda that they just gave an exponential chart about how the number just continued to grow. Since 1989, the number of children without private health insurance has grown by an average of 1.2 million every year, or 3,300 a day. If this trend continues, there will be 12.6 million children without private coverage by 2000.

What the gentlewoman is saying about this being a national security problem I think is totally legitimate. Of course it is true for a lot of adults as



well, but particularly for children it makes no sense not to cover them because it is their future, it is the future of the country, plus it is very cheap. As the gentlewoman pointed out when she was giving some figures about Oregon and what it takes if you have a children-only policy, it is unbelievable how inexpensive it can be, particularly if you are just covering kids.

Ms. FURSE. As a parent, and I know the gentleman is a parent of small children, I am a grandmother, what we know is that we do not sleep well at night if we know that our children do not have that security. It is security, it is the knowledge that if they should become ill or if we just want to keep them healthy, we have that opportunity to go to.

□ 1715

Mr. Speaker, we have the very best medical system in the world, but if our children cannot access that medical system, it does not matter how good it is. We have got to make sure that it is available to everyone, not just the rich, not just the very poor, but those working families who care so much about their kids and want to do the right thing for them, and they cannot pay the rent and the food and this very, very expensive insurance.

So, if we can provide them something that will take some part of those 10 million, then with our Medigap, Medikids Program that we are going to put forward, and with this outreach that you described so that everybody who is eligible will be able to access Medicaid, I think we could do the responsible thing.

Mr. PALLONE. I agree, and I want to thank you for pointing out in particular how right now the private insurance field does not necessarily allow the people or does not make it affordable enough for people to buy insurance policies just for their children.

Basically, if you look at what our task force has proposed, we are sort of looking at this 10 million children and we are trying to sort of attack it from different points of view because we realize it is a complex problem. It is not something that you can address in just one stroke, so to speak. And as I mentioned before, you do have about 3 million who actually are eligible for Medicaid, and I know that when we tried to get a little information about why those 3 million are not on Medicaid, we got different reactions. We found out, first of all, that the people, many cases the parents of those 3 million, are both working because of the bureaucracy, perhaps of not knowing how to, either not having the information or not having the time or not thinking it is worthwhile, they are just not knowledgeable enough or do not have enough time to enroll their kids. Plus, people are very proud.

Mr. Speaker, Medicaid, unfortunately I think, is viewed by many people as sort of a welfare program handout, and so in many ways it has a nega-

tive connotation that people think that they should not apply for it if they are working, that somehow it is a handout. And I think that is wrong, but you know it takes a certain amount of education to make people understand that it should not be viewed that way. So then you have that component.

Then you have the expansion of Medicaid; in other words, right now there are many States that take Medicaid up to a certain percentage of poverty but do not take it beyond that in order to attract Federal funds. So what we like to do is expand the Medicaid Program to higher levels to take in more people at higher levels of poverty or percentage of poverty.

And then with the Medikids Program, we are giving the States the matching grants to capture people up to 48,000 in income. Now some people would say to themselves, well, gee that is high, 48,000, but surprisingly I think the estimate was that there are something like 1½ million children out of that 10 million that are not covered that are with parents who make above that 48,000, above the 300 percent of poverty. So the only way that we are going to attract those people is essentially what you have put forward, which is to make some changes in the private insurance program so that we can attract some people who just have not been able to afford it for whatever reason.

And I know that in New Jersey, 48,000 may sound like a lot of money, but it is not if you have two children or more and, you know, if maybe only one parent is working and the other one is staying home with the kids. It is not unusual for people to find out that they cannot afford health insurance.

Ms. FURSE. Or if you have two people working at minimum wage. You know, my goodness. We struggled so hard last year to get a minimum wage increase, you know, against so much opposition to that; but just think if you are working on minimum wage, yes, you might feel like, or well, I should not ask for something from the Government because I am working. But you know it is the best investment we make in this country is any time we invest in our kids. What a return we get on it.

And I know that there are single moms and single dads out there who are trying to keep rent and food and day care and all those things and just do not feel and do not know that they could turn to Medicaid. So we need to bring them in, and then those others who are making just a little bit more, but it would not be a lot more, to still want to have their own insurance policy, a kids only insurance policy.

Mr. PALLONE. I just, if I could, I just wanted to talk a little bit about the matching grant program because I know that that is one that has received a lot of press attention both in the Senate as well as in the House in terms of what we are doing. As I said, we are

trying with our proposal to expand Medicaid and bring it to higher levels of poverty or percentages of poverty, but the matching grant program is a little different, and we call it Medikids because what it does is it targets those families basically who make between approximately 16,000 and 48,000. Those are the ones who make too much to be eligible for Medicaid right now but still we feel need some help from the Federal Government with matching money from the States.

But there is a lot of flexibility in this program, just to mention that how this additional money can be used. States can form public or private partnerships, they can use the money to build upon existing State programs. You mentioned Oregon. I know New Jersey has an existing State Program. New York; there are a number of States. Or they can just create a new initiative, if they want to, and it is totally voluntary to the States. If they do not want to do it, they do not have to, but hopefully they will.

Now in order for States to qualify for this Medikids matching grant, they have to provide Medicaid coverage for pregnant women up to 185 percent of the poverty level and children through age 18 and families up to 100 percent of the poverty level, or 16,000 a family of four. Gets a little bureaucratic here, but basically there are about 30 States right now that meet this first requirement.

But just for my own State of New Jersey, for example, we only cover kids up to 13 now; OK? So we would have an incentive, if you will, to take advantage of this matching grant program, but we would have to raise the threshold up to 18 at 100 percent of poverty.

So it is basically creating an incentive, if you will, for the States to expand the Medicaid Program, and then they get this additional money beyond that to take to include people that would not be eligible for Medicaid under any circumstances.

I think that that is sort of a good way to go about it, because again what we are trying to do is to capture some Federal moneys, get some State moneys, and then at the same time implement the changes in the private insurance market, or COBRA, that you have suggested, and if you think about it, between the outreach, between expanding Medicaid, between the matching grant program and the private insurance changes, I think we can go pretty far. I mean certainly all of the 10 million children who are not now covered by insurance could be covered under one of those various factors that we are putting forward, and at the same time it can be fit into the budget proposal, which is coming up next week and presumably over the next month or so. So our goal is to have this included as part of that process.

Mr. Speaker, I just want to thank the gentlewoman from Oregon again for all her help in this.

Ms. FURSE. Mr. Speaker, I thank the gentleman for caring about the kids of

America. We really must keep them front and foremost in our minds.

Mr. PALLONE. Thank you.

Mr. Speaker, I just wanted to take a little more time, if I could, to talk about some of the reasons why we need a plan like the Democratic proposal with regard to children's health insurance.

As I mentioned before, Democrats have been talking about this as part of our family first agenda at least since June 1996, and the reason again is because the number of kids or children who do not have health insurance continues to grow. But I wanted to stress, if I could for a few minutes, how this is essentially a problem for working parents and that our task force and our Democratic proposal was essentially trying to craft a program that would primarily address the concerns of working parents.

Right now, 9 out of 10 children without health insurance have parents who work, and nearly two and three have parents who work full time during the entire year, and these parents either do not get health insurance benefits through their employer, they get the benefits for themselves but not for their kids, or they get such a small contribution towards their kids' insurance that they cannot afford to make up the difference.

As I said before, Medicaid helps the poorest children, and families who are well off can afford private coverage, but there are millions of working parents who are trapped in the middle, unable to afford health insurance for their kids. A family health insurance policy can cost \$6,000 or more, which frankly is out of reach for many working families. We talked about possibly families up to \$48,000 a year for a family of four. Six thousand dollars is a lot of money for a family that is making up to \$48,000 a year.

Now even for families who do get health insurance for their kids through their employer, insurance has gotten very expensive. In 1980, 54 percent of employees at medium and large companies had employers who paid the full cost of family coverage. By 1993 more than 79 percent of these employees were required to pay for their insurance. And the average employee now pays over \$1,600 a year for family coverage, and employees of small businesses are paying an average \$1,900 a year.

Mr. Speaker, some people say well, you know, so what? You know this is a capitalist society; the Federal Government cannot do everything for everyone. But there are severe consequences of children not having health insurance. This is highlighted by cities that show that uninsured children tend to receive significantly fewer health care services than insured children.

If I could just provide some facts regarding the consequences of children not having health insurance:

First of all, reduced care when sick. Uninsured children are less likely to

have their health problems treated and less likely to receive medical care from a physician when necessary. For example, uninsured children obtain care half as often for acute earache, recurring ear infections and asthma as do children with public or private coverage.

Reduced care for injuries. Children with no insurance are less likely than those with insurance to receive care for injuries.

Reduced medical visits. Uninsured children are 2.3 times less likely to have obtained a medical care visit in the past 12 months than are insured children.

Reduced well child visits. During the course of a year, fewer than half, or 44.8 percent, of uninsured preschool children have any well child visits, and fewer than one-third receive their age-appropriate recommended scheduled visits.

And finally, no regular source of care. Uninsured children are seven times as likely as insured children to be without a source of routine health care, and when they obtain health services, they are far more likely than insured children to utilize high-cost hospital emergency rooms as their usual source of care.

So what are we talking about here? We are essentially saying that these children do not get preventive care, and when they do not get preventive care, they get sicker, and in the long run the costs of providing for their medical care goes up, and much of that cost ends up coming back to the Government or ends up being passed on to people who are paying for their health insurance through uncompensated care costs.

The main thing we are trying to emphasize here is that it makes no sense whether it is as Ms. FURSE said from her national security point of view or from a cost point of view or from a preventive point of view nothing—it does not make sense to not try to insure these 10 million children, and we believe that with our health care task force and our Democratic proposal we have a plan that can provide for insurance for most, if not all, these 10 million children within the confines of the balanced budget proposal that the House will be considering over the next few weeks or over the next month.

And at this time I yield to the gentlewoman from Texas [Ms. JACKSON-LEE] who again has been on the forefront of this issue and has come to the floor many times to argue for the need to cover the 10 million uninsured children.

Ms. JACKSON-LEE of Texas. I thank the gentleman from New Jersey [Mr. PALLONE], and certainly I want to thank him for his leadership. I would like to thank him for his victory because that is what he is working toward, and that is why I am joining you, because I would really much prefer us being able to say in the next couple of weeks, before the summer session or recess, district recess break, that what

we have done is that collectively and in a bipartisan manner we have stood up for 10 million uninsured children.

I think that is why we are all here. I think that is why your committee and the committee that I have joined you on, the task force, has intently worked on creating something that makes sense. It is important to come to the floor of the House and do the people's business and make sense, and I do not think that we can stand much longer for 10 million uninsured children.

I went home this past weekend and interacted with several of my constituents and physicians, and they brought it to my attention again. Texas has 1 million uninsured children, and if I might just share with you another crisis with respect to this matter, and that is that in my community today we have just heard that Medicaid dollars that come from the Federal Government and then to the State government have been denied my Harris County hospital district.

What does that mean? There are applications under the block grant process for HMO's. The Harris County hospital district applied for such, and they were denied it. There is another instance where children in our community may go underserved, if you will.

And so I think it is very important that the legislation dealing with uninsured children also impacts on raising the level of those who can be served, and when I say that it means that this impacts poor working parents. We have already got a crisis in many of our communities about how Medicaid is utilized, and your proposal and the proposal we have joined in on says that we want to increase or find all the Medicaid-eligible children so that they can be on Medicaid.

I have a crisis where my Harris County district, hospital district, may suffer and not get the Medicaid dollars that they need because someone selected another group to run that system other than the very entity that serves poor children.

□ 1730

But if I might say that we need to focus on uninsured children of working parents, along with the crisis of those who are the poorest of the poor, and I think it is important to make these notations.

Most children without health care coverage are in that position because their parents work for companies who have cut health coverage for children or who offer no health coverage at all. We need to be aware of that so people will not say, why do they not get a job. Each year since 1989, 900,000 fewer children have received private health insurance. In other words, every 35 seconds one less child is privately insured. In America as a world power, I do not think that that is something that we want to be known for.

Without private insurance, millions of working parents who have labored on behalf of this country and their

families cannot afford health insurance for their children. So while Medicaid, and as I said, we have a crisis there, covers the poorest of children, and we are working to make sure that eligible children get covered as well, millions of children of working parents do not have any coverage at all.

Insurance coverage is critical to the health of our children, because children without health insurance, as the gentleman said, often do not receive the necessary treatment services or even the most basic service. A charitable group went into one of my schools in my district and found out that 60 children had not ever been tested or had their eyes tested and any number of them needed glasses. The reason? These are poor working families who have no choice. Medical expenses are sufficiently high and those financially burdened parents will simply opt to not take their children to the doctor, forgo needed pediatric preventive care because of the vastness of their burdens.

For example, studies have shown that the majority of uninsured children with asthma, and we talked about this in committee, never see a doctor. Many of these asthmatic children are later hospitalized with problems that could have been averted with earlier intervention.

Those of us in communities that see and share pollution know those stories full well. We know when at the Texas Children's Hospital there is a drive-by. Is it a drive-by shooting? No, it is a drive-by of the emergency room because they cannot take any more children in the emergency room because the parents who come there are poor, without any coverage whatsoever, and they are working parents and they use the emergency room as their doctor. Now is the time when our Texas Children's Hospital, one which prides itself in caring for children, says, "No more."

One-third of uninsured children with recurrent ear infections do not see the doctor and some later develop permanent hearing loss. Many children with undiagnosed vision problems cannot even read a blackboard, and they sit in school and become diagnosed as slow learners when actually they have a physical problem.

Finally, studies show that children without insurance do not receive adequate immunization, have higher rates of visits for illness care, and have more frequent emergency room visits.

I would like to engage the gentleman in a little dialog, because I know we often talk about how young we are, and I will continue to emphasize our youth. I do think, however, that the gentleman may have, like me, come through a period when all we could hear was "Get your polio vaccination, get your polio vaccination." Every parent was making sure they ran somewhere, and of course when medical costs were reasonable, to make sure their child, that was the one thing that was instilled in them that they would

do for their child, was to make sure they had their polio vaccination. What a difference it made in our lives.

Now today there are children entering school who do not have a proper immunization record because they have not been able to access medical care and preventive medical care. I just want to engage the gentleman in a colloquy as to whether or not he has seen circumstances where hard-working parents cannot get the basic minimum, which is certainly the immunization record and package that we most think our children should have, those early immunization shots that prevent terrible diseases such as polio, such as the time when the Nation was instructing all parents, "Get your polio vaccine." Do does the gentleman know today that there are some parents that have not been able to get their polio vaccine for their children?

I yield to the gentleman.

Mr. PALLONE. Mr. Speaker, I know the gentlewoman from Texas [Ms. JACKSON-LEE] is right, and I know for a fact that there are people in that category. I think it is a twofold problem, and I think it relates to the issue of health insurance for kids in general.

On the one hand there is the fact that there are a lot of people increasingly who do not even realize that they need to do this, and then of course, once they do, not having the access, because as we know, vaccination is not as widespread as it once was, particularly in urban areas or certain rural areas where people just either are not aware or they do not have access any more.

I wanted to just mention, if I could, the gentlewoman talked about enrolling, and we mentioned before there are 3 million children of the 10 million who are eligible for Medicaid and who are not enrolled. We spent some time with the task force, as the gentlewoman knows, trying to figure out how to deal with this, because outreach is not really something that oftentimes is effectively done on the Federal level.

What we have in our bill is grants to States to help local communities to develop outreach programs with maximum flexibility to employ community resources. There again, I know it is a little different from what the gentlewoman was saying, but I think it is the same thing, that we need to motivate these community groups, regardless of the nature of the group, that will do the kind of outreach and get them the grant so that they can go out and find kids that are eligible for Medicaid or, as the gentlewoman says, kids that have not been vaccinated, kids that have not been able to either access preventive health care or whose parents are not knowledgeable of it. That is a big problem today. A lot of people are not aware of it, and obviously the gentlewoman is aware of it. I yield back.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman.

I think the package that we have worked on is truly a bipartisan package. When I say that I mean I cannot

imagine why this legislation would not be attractive to our colleagues on both sides of the aisle. The reason is because we have an aspect that gives to the States incentives for outreach to help get the word out and to help bring down the lack of information for those who are not getting their children immunized.

In addition, it enhances outreach to eligible children not yet enrolled in Medicaid. So what it says is, there are eligible children, the funds are there, let us not waste the dollars by creating more dollars, let us make sure we get all the eligible children enrolled. That is a positive stopgap measure.

Then we have that it provides the grants, as the gentleman said, to States and territories to assist families with children with incomes up to 30 percent of poverty to purchase health insurance. That is a creative idea.

This, I think, brings people from both sides of the aisle around to this issue. It requires insurers to offer group-rated policies for children only. I think we remember in the last Congress where we debated and said, if we want to do business with the U.S. Government, we should put an incentive on those insurers who insure the U.S. Government to create child-related policies, and that is the direction in which we are going, and give families who qualify to continue health insurance coverage under COBRA, but cannot afford the premium for the entire family, the option to purchase the child-only policy.

I do not see where we can leave this session and not give an answer to those 10 million uninsured children. Particularly, I do not see how we cannot create child-directed health insurance policies so that we do not have to hear the stories about parents telling their children, "Do not climb that tree, do not ride that bicycle. No, you cannot go swimming with your Boy Scout troop. Why? Because I am fearful of what may happen to you, and I have no health insurance to protect you."

So I would just encourage our colleagues, really, let me get a little bit more stronger on this. We need this on the floor of the House now. We need this legislation passed now. There are too many children who are being harmed, who are not being protected. In a country as wealthy and as prosperous and as successful as this country, there are too many of our children who do not have adequate health insurance.

I yield to the gentleman.

Mr. Speaker, I rise today to voice my concern for the 10 million children in our Nation who are without health care insurance. I believe that strengthening and expanding health care coverage for all of America's children must be our first priority. We have heard many of the statistics surrounding this health insurance crisis before. Some of these figures are so striking, however, that I would like to bring them to your attention.

Nine out of ten children who are without health coverage have parents who work.

Nearly two in three of these children have parents who are employed full time during the entire year. Two-thirds of these children live in families with income above the poverty line and more than three in five live in two-parent families.

Most children without health care coverage are in that position because their parents work for companies who have cut health coverage for children or who offer no health coverage at all. Each year since 1989, 900,000 fewer children have received private health insurance coverage. In other words, every 35 seconds one less child is privately insured.

Without private insurance, millions of working parents who labor to support their families cannot afford to provide health coverage for their children. The cost of health insurance when not purchased through an employer is often prohibitive. So while Medicaid helps our poorest children, and more-affluent families can afford private coverage, millions of working parents in the middle cannot provide coverage for their children.

Insurance coverage is critical to the health of our children. Children without health insurance coverage often do not receive necessary treatment services or even the most basic care. Medical expenses are sufficiently high that financially burdened parents will often delay or forgo needed pediatric preventative or medical care.

Some examples—studies have shown that the majority of uninsured children with asthma never see a doctor. Many of these asthmatic children are later hospitalized with problems that could have been averted with earlier intervention. One-third of uninsured children with recurrent ear infections do not see the doctor and some later develop permanent hearing loss. Many children with undiagnosed vision problems cannot even read a blackboard. Finally, studies show that children without insurance do not receive adequate immunization, have higher rates of visits for illness care, and have more frequent emergency room visits.

It is obvious that to deny children health care coverage, denies them the opportunity to lead healthy lives and to reach their fullest potential. We, in the Democratic Party, have worked hard to draft legislation that will address the plight of many of these uninsured children. This legislation will: first, enhance outreach to eligible children not yet enrolled in Medicaid; second, encourage and provide additional funds to States and territories to expand the Medicaid floor for health insurance for low-income children; third, provide for grants to States and territories to assist families with children with incomes up to 300 percent of poverty to purchase health insurance; fourth, require insurers to offer group-rated policies for children only; and fifth, give families who qualify to continue health insurance coverage under COBRA but cannot afford the premium for the entire family, the option to purchase a child only policy.

I encourage my colleagues to support this legislation. We, in this Congress, should commit ourselves to providing every child the chance to reach his or her fullest potential. We should provide health insurance coverage for every American child and promise to leave no child behind.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman for pointing these things out, because if we think about it, there is really no reason why

this should be a partisan issue at all. I think that hopefully we are moving in the direction of trying to get our Republican colleagues and leadership on the Republican side to join with us.

I think that the fact that they agreed with the President to at least include a pot of money for children's health care in the proposed balanced budget agreement which will come to the floor in some fashion over the next few weeks, shows that we have been making some progress, and I guess, if I could just emphasize that again, that this Democratic proposal can all be achieved within the context of the balanced budget agreement.

I believe, and I think it is only fair to say, that it was because of the consistent and strong pressure from the Clinton administration and congressional Democrats that funding for the Children's Health Care Initiative was included in the bipartisan budget agreement that was announced on Friday, May 2. Including funding for this initiative was a victory for the congressional Democrats who have been saying for the last year that this program needs to be included as one of our priorities, one of our budget priorities.

I should say that the budget agreement leaves the details of the children's health insurance initiative undefined. The agreement simply states that it assumes \$16 billion in funding over the next 5 years to extend health insurance to up to 5 million uninsured children. Under the agreement, the expanded coverage may be achieved by extending Medicaid and providing cap grants to the States.

So basically the agreement lends itself to the Democratic proposal that our task force has put together, in that the pot of money is there and it has the Medicaid expansion as well as the matching grant program to the States. But we believe very strongly, the way we put this package together, that we can capture a lot more than 5 million uninsured children; that we can, through a combination of going after those who are not currently enrolled but eligible for Medicaid, as well as the expansion of Medicaid, as well as the matching grants, as well as changes to the private insurance, in the private insurance area, that we can capture almost all, if not all, of the 10 million children that are not insured.

Let me just say, Mr. Speaker, in closing, that I believe very strongly the Democrats will continue to move forward on this issue because we understand the nature of the problem. We understand that 9 out of 10 children without health insurance are in working families. We understand that children without health insurance are less likely to receive the care that they need when they are injured or they are sick, and I have to say that as a parent myself, I would hate to have to worry about my child getting hurt at the playground because I do not have the health insurance coverage for him or for her. Families should not have to

worry about whether or not they can afford to take their child to the doctor if their child becomes sick.

Mr. Speaker, I do not think that the Republican leadership sees this issue in these terms. If they did, I believe that they would be more aggressive in trying to develop a solution for America's uninsured children. Democrats want to help the average American family, and we believe that our plan will do just that. We are going to continue to speak out on the House floor and by whatever means we have, in our districts, until such time as a plan is put forward, is marked up in committee and comes to the floor of the House that will address the problem of these 10 million uninsured children.

#### IMPORTANT COMPONENTS OF THE BALANCED BUDGET AGREEMENT

The SPEAKER pro tempore (Mr. JENKINS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Ohio [Mr. BOEHNER] is recognized for 60 minutes as the designee of the majority leader.

Mr. BOEHNER. Mr. Speaker, tonight over the next hour, I and my colleagues in the Republican leadership here in the U.S. House will be discussing our agreement with the White House to balance the Federal budget over the next 5 years, the permanent tax cuts that will be part of this plan, our efforts to protect and preserve Medicare, and other important parts of this agreement.

We expect that the Speaker will be here to talk about what is in the agreement and what is not. The gentleman from Texas [Mr. ARMEY] we expect will come and discuss why tax cuts in this agreement are so important. How this agreement saves Medicare I will deal with in a few minutes myself, and why the critics are wrong will be covered by the majority whip, the gentleman from Texas [Mr. DELAY]. How this agreement maintains a strong defense will be covered by the gentleman from California [Mr. COX], the chairman of our policy committee; and how this agreement reflects Republican principles will be handled by the gentlewoman from Washington [Ms. DUNN], who is the Secretary to the Republican Conference. Why balancing the budget is important for our future and our children's future will be discussed by the gentlewoman from New York, the vice chair of the Republican Conference [Ms. MOLINARI]; and how this agreement makes Government smaller and smarter will be covered by the chairman of our leadership, the gentleman from New York [Mr. PAXON].

When it comes to the issue of Medicare, more than 2 years ago we sent out our warning to the American people that Medicare is going broke. It was not our warning, it was the warning from the bipartisan Medicare board of trustees. We took action 2 years ago to preserve, protect, and strengthen Medicare.

□ 1745

The liberal special interests, more concerned with winning elections and solving a crisis, made sure that our reforms never became law.

Since President Clinton vetoed our bill the trust fund has lost tens of billions of dollars, and now we know that unless we act, the fund which provides hospital coverage for nearly 40 million seniors will be broke by the year 2001, one year earlier than we thought just a year ago.

This agreement preserves the trust fund for 10 years, until the year 2007. I think this should be an enormous relief for all seniors and soon-to-be-seniors that are concerned about the health of this program. This plan will not solve the problems with the baby boomers when they begin to retire in about 15 years, but we can lay the groundwork for our reforms through our actions this year, and in this agreement that we reached with the White House.

What will these reforms be? The committees have a lot of work to do to fill in the details of the agreement, but we do know what the outline will be and we know what our goals, most importantly, will be as we go through this. We know that prevention saves lives and saves dollars, so our reforms will cover mammography, diabetes self-management, immunizations, and colorectal cancer screening. Medicare will now catch up to the private sector and provide coverage for these important items.

We know that the vast majority of seniors have to pay hundreds of dollars a year for MediGap coverage. That is why we will fight to give seniors the same choice of coverage that people in the private sector have today. Why should seniors not have the same choices in health care delivery that their children and grandchildren have available to them?

That is really what we did in 1995, and we will work toward it again, to give seniors and their doctors the freedom to choose the types of coverage that they believe are best for them. There is good reason to modernize Medicare, because it is the only way to ensure that the program will be there when baby boomers begin to retire.

Perhaps most important for seniors is the assurance that we will provide in our agreement that spending will keep pace with their needs. Spending grows every year over the next 5 years in this agreement. There are no cuts. There were no cuts 2 years ago, in spite of what many people said, and there are no cuts this time.

Over the 5 years Medicare spending will increase 34 percent, which is about 6 percent a year, which we believe is about twice the rate of inflation that we are seeing today. Despite all the politics and the scare tactics, the demagoguery, the difference in spending between our package today and our reforms 2 years ago is \$5 billion over 5 years.

The chart that I have to my left and to Members' right indicates Medicare

spending over the 5 years in this agreement. Under the balanced budget act from 2 years ago, we were proposing spending over these 5 years \$1 trillion, 252 billion. Of course, we all heard the ads. We all heard how Republicans were attempting to cut Medicare, and all of the scare tactics that were used. In the agreement that we reached with the White House several weeks ago, we are proposing and have an agreement to spend \$1 trillion, 247 billion over the next 5 years; actually, \$5 billion less than what we proposed to spend 2 years ago.

Our agreement means that Medicare spending per senior citizen will increase from nearly \$5,500 this year, in 1997, to more than \$6,900 in the year 2002. We can increase spending and save Medicare because our structural reforms will make Medicare more efficient for seniors and their children and grandchildren who subsidize this very important program.

We know what works in the private sector. Only by beginning to implement these reforms will Medicare be preserved, protected, and strengthened for today's and tomorrow's seniors. I am proud that we put the partisan politics aside to accomplish this effort in Medicare, and frankly, the entire effort that we have come to an agreement with the White House on, again, to balance the Federal budget over the next 5 years, to strengthen and preserve Medicare, and to provide tax relief, permanent tax relief, for the American people.

My colleague, the gentleman from Texas [Mr. DELAY], the majority whip, is going to talk to us about how this agreement is good, and why the critics are wrong.

Mr. Speaker, I turn over my time to the gentleman from Texas [Mr. DELAY].

#### WHY THE CRITICS OF THE BUDGET AGREEMENT ARE WRONG

The SPEAKER pro tempore [Mr. JENKINS]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. DELAY] is recognized for the remainder of the time as the designee of the majority leader.

Mr. DELAY. Mr. Speaker, I really appreciate the gentleman from Ohio [Mr. BOEHNER], the distinguished chairman of the Republican Conference, for taking out this special order on this agreement. There is a lot that has been said about this agreement. It is fascinating to me that some people came out in opposition to the agreement before the agreement was even announced by the President or by the House or by the Senate. I think that is really unfortunate, that someone would be against the agreement before they even knew the facts. I just really appreciate my colleague's taking out this special order on the balanced budget agreement.

In my view, any agreement that balances the budget and cuts taxes for

working families is good for the American people. This agreement does both. How long have we dreamed about bringing fiscal responsibility to this Federal Government and to Washington, DC.? We have dreamed it for a long, long time. In my entire adult life I have dreamed that some day we could balance the budget and actually start paying down the debt, so that my daughters would not end up paying for my generation's fiscal irresponsibility.

I am really pleased to support the budget agreement. It is amazing that this agreement not only balances the budget and cuts taxes, but it includes long-needed entitlement reforms that will preserve and protect such programs as Medicare, and it is intended to weed out waste and fraud from the Medicaid Program.

Is this a perfect agreement? Of course not. Frankly, if it were, President Clinton would probably veto it. We need to face the fact that Bill Clinton is the President of the United States, Mr. Speaker. Our Republican candidate lost. If our Republican candidate, Mr. Dole, had won the election, we would not have this problem. We would probably have the perfect agreement. But Bill Clinton was reelected by the American people. We have to recognize that fact, and we also recognize that he is a President that loves to spend more money. That means that we have to negotiate.

This agreement is the end result of those negotiations. Let me correct that. It is not the end result, it is the beginning of a lot of negotiations that will have to go on for the rest of this year, because we start with the agreement on the budget resolution, and then after the budget resolution we will have to pass the bills that implement the policy set out by the budget resolution, and we will have to pass all 13 bills, all 13 of the appropriations bills, and all of that will have to be in consultation not only with the President, but with the Democrats in the House and in the Senate.

So this is just the beginning, and it is a work in process. In my view, it reflects the principles, the agreement reflects the principles that Republicans have long campaigned on. Several questions have been raised about the agreement, good questions that I think need to be answered. I will take just a moment to respond to these questions point by point.

Does this agreement use phony numbers? Many people wondered about the \$225 billion that all of a sudden appeared when the Congressional Budget Office revised their projected revenues to adjust for a growing economy. They thought it was just another effort by Washington politicians to avoid making those hard decisions. But the whole budget is based on economic assumptions, many of which turn out to be wrong, and we can go back almost 20 years and find out that in only one year out of 20 years of budgets written by this House have the assumptions

been right. They have either been overestimated or underestimated. Assumptions are just as the name implies, assumptions as to what we think might happen to the economy in the future.

Indeed, since 1993 the Congressional Budget Office's 5-year deficit projections have overstated the actual deficit by an average of \$279 billion. This particular budget agreement is based not on rosy economic assumptions, but on the best economic data available today. Given their track record over the last 4 years, CBO's new projections are not only defensible, they are a reasonable correction.

Another question that has been asked by some of our critics: Does this agreement dramatically increase spending? Some have questioned, is it the biggest spending increase in history? The answer is an emphatic no. Spending for nondefense discretionary spending, money that keeps the Government running outside of defense and entitlement programs, will only increase at an average rate of 1 percent a year.

Let us put this in perspective. This is 8 times better than the historical average of 8.1 percent per year stretching all the way back to 1969, which is, by the way, the last year we had a balanced budget.

We have agreed to fund some of the President's spending priorities. This President loves to spend money. He loves to grow the spending of government. We had to give him some of his spending requests, but we have also agreed to restrain the overall growth of spending. I think this is a significant victory for fiscally responsible Republicans. Particularly if we look at past history, past habits, past traditions of Democrat-controlled Congresses, even with sometimes Republican Presidents, this is a fiscally responsible budget.

Does this agreement fail to reform the entitlement programs? That is another question that is being asked by our critics. Once again, the answer is no. By far the greatest single threat to our Nation's fiscal health is the growth of health care programs. Since 1969, Medicare and Medicaid spending has increased at almost twice the rate of total Federal revenues. Let me repeat that. Since 1969, Medicare and Medicaid spending has increased at almost twice the rate of total Federal revenues. If that trend were to continue, spending on these programs would exceed Federal revenues in the next 30 years.

The budget agreement will reduce the projected growth of Medicare by \$115 billion, and of Medicaid by about \$16 billion. It will achieve these savings by giving more choices to seniors in Medicare savings, and by enacting reforms of the Medicaid system to weed out waste and fraud. Congress will write the implementing legislation for this agreement, so Members can be assured that there will be real reforms of entitlement programs in that legislation.

We are coming back with our promise. Remember, 2 years ago we promised to protect and preserve and strengthen Medicare by giving senior citizens more choices in the kind of health care plans that are important to them, so that they are empowered, rather than the Government telling them what kind of health care is good for them.

Through competition in those programs we will be able to save money. It is not a theory, it is not a pipe dream, it has happened in the private sector, because health care has been reformed in the private sector for over 10 years. The way it has been reformed in the private sector is empowering the consumer. That is how they have been able to reform the private health care industry, empowering consumers, and people competing for that health care dollar drove down the cost of health care.

We just want to take what we learned in the private sector and apply it to Medicare and Medicaid in the public sector. That is all we are doing. Through that we are able to save the system, preserve the system for seniors, and strengthen it by giving seniors more choice.

□ 1800

Another question that is asked by our critics, does this agreement give insignificant tax relief? Some people have pooh-poohed the idea that we actually are giving tax cuts. I think it is the first tax cuts since 1981, first tax cuts for the American family in 16 years. In a perfect world, we could cut more taxes for America's working families.

In fact, if our candidate had won the election, we probably would have a bigger tax cuts bill. But we do not have that option in this agreement. We have a President that is reluctant to give up his ability to spend money through a tax cut.

People talk about the fact that we ought to balance the budget before we cut taxes. Well, those people do not understand it. Those people that want to balance the budget before cutting taxes are telling you that they want to spend more of America's families' money.

Today, the American family is spending over 50 percent of its income on Government. If you add up local, State and Federal taxes and the cost of regulation and paperwork, over 50 cents of every dollar that the American family makes today, every hard-earned dollar goes to the Government of one level or another.

We think that is immoral. We think the Government is too big, it spends too much, it takes too much out of the American families' pockets. We want to reform Government. We want to cut it down to size and make it work smarter. By doing that, we can allow the American family to hold on to more of its hard-earned money to be spent the way they think is important, rather than some Washington bureau-

crat spending that money on what they think is important.

So that is why we are for a tax cut. It has nothing to do with anything else other than giving some tax relief to the American family. But a tax cut signed into law is better than 2 tax cuts that are vetoed. And this agreement provides working families with gross tax cuts of \$135 billion, with a net tax cut of \$85 billion.

Keep in mind that in the last Congress, the President vetoed net tax cuts of \$155 billion, while in this Congress he proposed net tax cuts of only \$14 billion. Keep in mind what happened in 1995, when the Republicans first took over this Congress, this House, for the first time in 40 years. People said we could not do it, but we put together a budget that balances, that shrinks the size of Government, that forces Government to work smarter, that saved Medicare and Medicaid and provided \$155 billion in tax cuts, wrapped it up in a package, sent it to this President of the United States. He vetoed it and shut down the Government, and we got the blame for it.

We proved to the American people that we can bring good commonsense policies to the Federal Government. We proved to the American people that we could balance the budget, that we could bring fiscal sanity and give tax relief to the American family. Unfortunately, this President did not believe it, or he did believe it but he did not agree with it and vetoed our package.

The \$85 billion net tax cuts represents a real victory for Republicans. The best part of this agreement is that the Republicans on the tax writing committees of the Congress get to design those tax cuts. So American families will get a child tax credit, a capital gains tax reduction and relief from that pernicious death tax. I call this a real victory for the American people.

So in summary, Mr. Speaker, I again appreciate the gentleman from Ohio [Mr. BOEHNER] taking out this special order. It is so vitally important that the American people understand what is in this agreement and they understand the spin artists out there trying to negate what we have agreed to or misrepresent what we have agreed to or just be outright against it.

The American people need to understand that this is a grand opportunity that we present to them, and we hope to get it. This agreement is good for the American people. We must not let the perfect be the enemy of the good. We must let this good agreement start the process of balancing the budget, giving tax relief to the American family, and some day pay down the debt.

Mr. BOEHNER. Mr. Speaker, if the gentleman will yield, as the gentleman was saying, there are critics of this plan on both the left and right. Liberals believe that this cuts too much spending, ruins their vision of what the role of the Federal Government should be.

Some on the right are criticizing this plan, and I am yet confused as to why.

You can argue that this plan does not go far enough. You could argue that it could have been better. But I do not think that anybody can argue that this plan moves us in the direction that we have been going over the last two and a half years, that this plan does in fact balance the budget over 5 years honestly, no gimmicks, no smoke and mirrors, that it does provide permanent tax relief, and over the next 5 years will reduce the growth of spending in entitlement programs by some \$200 billion, some \$600 billion of entitlement reductions over the next 10 years.

Without this plan, the Federal Government over the next 10 years would spend \$1.1 trillion more than what will be spent once this plan is enacted into law. So I do not think there is any question that this is a good plan.

Yes, I would have like to have balanced the budget sooner. I would like to have lower taxes. But the fact is that we have learned over the last 2 years that there are two ends of Pennsylvania Avenue. Republicans control one here on Capitol Hill, but Bill Clinton is in the White House. If we are going to do anything on behalf of the American people, we have got to get both ends of Pennsylvania Avenue to work together and talk to one another.

Mr. DELAY. The gentleman from Ohio [Mr. BOEHNER] is absolutely right. I sort of describe it as the Republicans in the House and the Senate are like a sailboat and we are sailing against the wind and we are sailing down Pennsylvania Avenue and the wind is coming from the White House, a very strong wind is blowing in our direction.

In a sailboat, you can either turn it around and go with the wind, and that is something we absolutely refuse to do, or you can tack toward the wind, always moving forward, but in some cases you have to make an agreement with the wind. Sometimes you have to make an agreement with someone else, but always keeping your eye on the future and the forward. And that is where we are moving.

If you put it in perspective, this is an incredible budget compared to, say, the big budget of 1990, when George Bush was President. There were huge tax cuts, huge spending increases.

Mr. BOEHNER. Tax increases.

Mr. DELAY. Tax increases. I thank the gentleman very much for the correction, tax increases. Tax increases is not even in the jargon of this place anymore. It is hard to even say.

But tax increases, spending increases. Look at the budget that the President passed with the Democrat Congress in 1993 that they are so proud of, huge tax increases, once more taking more money out of the middle-income America's pocket and spending it on Government programs that we all know 9 times out of 10 are very wasteful.

That is the kind of thing that we have been going for. Even when we did not get the President signing our balanced budget in 1995, the things we are

able to do in tacking back and forth, moving forward, in eliminating over 270 programs, in cutting over \$53 billion in real Washington spending, in moving forward and making sure that we are bringing this country into fiscal responsibility is very, very important that the people realize that, sure, if the gentleman from Ohio [Mr. BOEHNER], and I were writing this legislation, it would appear to be much different. But on balance, we are getting more than we are giving up, and I am very proud of that.

Mr. BOEHNER. Mr. Speaker, if the gentleman would yield, there has been a lot of discussion about who wins and who loses in this. I really do not think there are any losers in this, but the real winners in this agreement are not Republicans or Democrats, it is the American people who are the big winners.

We all know that we have accumulated some \$5½ trillion worth of national debt. I went to the fifth grade class of Liberty Elementary School in my district on Monday and explained to each of these fifth-graders and asked them, how much do you think your share of the national debt is? How much do you think you owe Washington? Some thought it was a dollar. Some thought it was \$10. One even thought it was \$300. I had to explain to them that their share of the national debt was \$22,000 that every man, woman and child today owes to those who have lent this money to the Federal Government.

If we do not do something about stopping any additional debt from growing, we are imprisoning our children and theirs. We know that a child born today will pay almost \$200,000 in taxes over the course of their lifetime just to pay the interest on the national debt. That is no money for education or the environment or roads or anything else that the Federal Government does.

So the American people win with this agreement. Do we have to do more? I think we all understand we do. We have got to balance the Federal budget so we are not adding any more debt there. In the year 2002, or hopefully sooner, we ought to begin to pay off the national debt.

If we want to give our children and theirs the shot at the American dream that all of us grew up having, we need to make sure that they do not have this debt on their back, or their chances of succeeding, their chances of having the American dream available to them just is not going to be there.

Mr. DELAY. Mr. Speaker, the gentleman from Ohio [Mr. BOEHNER] is so right. I just want to expand on what he is talking about, what the children of tomorrow will owe.

It is really interesting, when the President was running for reelection, he made in his State of the Union that famous statement, "The Arabic government is over." And then when he came back and got reelected this year and made his State of the Union Mes-

sage, his penchant for big spending was back, because in his State of the Union, he talked about all these new spending programs; and he said something at the end of that speech that I do not think I will ever forget. Not many people picked up on it. Certainly the press did not pick up on it. But the President said, "You know, a child born tonight will not long remember this century."

Once again, the President was wrong, because a child born that night will never forget this century because that child, as the gentleman has said owes so much money, not just in paying off the debt but in paying off the interest on the debt, that it is immoral. We are committed, with this President or without this President, to bring fiscal sanity to this Government for those children that were born that night.

I would be glad to yield to the distinguished leader of the freshman class from North Dakota, who has been working very, very hard on seeing that the supplemental appropriations bill becomes law so that his disaster relief, much needed disaster relief, goes to North Dakota. I appreciate the gentleman for showing up.

Mr. THUNE. I want to thank the gentleman from Texas, but will remind him that it is South Dakota.

Mr. DELAY. South Dakota, I apologize.

Mr. THUNE. And in Dakota territory, that is an important distinction to make because we have had our share throughout this last year, the most disastrous winter in our State's history and in North Dakota's history, as well, and we are in the process now of trying to come up with the assistance that we need. Hopefully, in very short order, tomorrow, we will have that bill on the floor, in hopes that we can get the assistance to those who are in such desperate need of it in my State, in North Dakota, and Minnesota and many other States like it.

But I do want to comment this evening, if I might, on the subject at hand, and that is the discussion that you and our friend from Ohio [Mr. BOEHNER] were having about the budget agreement that has been reached.

Mr. DELAY. Mr. Speaker, before the gentleman gets started, if I could, I would like to ask unanimous consent that the gentleman be given my time.

#### BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from South Dakota [Mr. THUNE] is recognized for the remainder of the time as the designee of the majority leader.

Mr. THUNE. Mr. Speaker, I too want to this evening touch, if I might, on what I believe is an historic event in this country; and that is what we have seen and witnessed in the last few weeks, the agreement between a divided Government, a White House that is in control of the Democrats, the



Congress that is in control of the Republicans, on a balanced budget, something that has not happened since 1969.

If I can take you back just a little bit to 1969 for those who perhaps were not around and I was a small child in a little town of 600 people in western South Dakota at that time, but in 1969, the last time we balanced the budget, believe it or not, the Mets won the World Series. And it was at that time on my grandmother's black and white screen that I was watching Neal Armstrong take a giant step forward for mankind on the Moon.

Yet, since that time, we, as a country and as a Congress and as those who are guardians of the public trust and guardians of the next generation, the future of our kids and grandkids, have been taking a step backward in the way that we manage our fiscal affairs. I would suggest that it is high time that we took a step forward. I believe that the agreement that has been reached, the plan that has been presented, does just that.

Most of us would agree that this is not a perfect thing. I think that if you look at the plan, and all of us are going to find its flaws, but I think you have to look on it on balance. As I walked up and down the main streets of my home State of South Dakota last year campaigning for this office, for this position, I heard repeatedly, "Why cannot you in Washington, DC, why cannot the Republicans and Democrats, the White House and the Congress, work together in a fashion that will benefit the future of this country?"

As I listened and commented, it was my observation at the time that this is really true. As I campaigned last fall, I think that, in spite of the fact that the people of this country elected a divided Government, they essentially elected the same message, because I think many of the things that the President campaigned on and many of the things that those of us who were campaigning for Congress were talking about were essentially the same issue.

□ 1815

I maintained at that time that, if we were willing to govern like we campaigned, we had some enormous opportunities to accomplish some good things for the future of this country. I think it is a testament as well to the way that the debate has moved in the past few years. Bob Dole reminded us last evening of something that was said sometime back by former Prime Minister Margaret Thatcher. That is that the measure of success of a political party is how much you change the opposing party.

Today we are here talking about things that I think we have had a part in bringing about a dialog on issues that previously were not a part of this debate. Today when we talk about a balanced budget, when we talk about tax relief for American families and individuals, businesses, we talk about a smaller government that is more effi-

cient, that works better and costs less. Those are all themes that I believe in the course of the debate of the last several years we have moved that discussion.

Mr. Speaker, I think that this budget is a product of that movement. Granted, it may not be everything and we have to make steps a little at a time, but it certainly is a step forward for the future of this country. For those who would argue that it does not do enough in one area or another, and I recognize full well that there are things, if this were a dictatorship, there are things in that budget that I would change. There are things that I would like to do differently. But we have to accept on balance the fact that we are working in a process that constitutionally provides for a White House, executive branch, and a legislative branch. And whether they are in control of different political parties, those two parties and those two branches of government have to work together in a way that is constructive and that benefits the future of this country.

So as I have listened to the discussion and those who would say that this is not good enough, it probably is not good enough by a lot of people's standards, but it is, I believe, a step in the right direction. It takes us down the road to addressing many of the issues that certainly I campaigned for, many of those who came in with me as freshman Members of this body campaigned in favor of, one being a balanced budget, two being a smaller government, three being lower taxes. And then finally, something that I think we are all very concerned about, and that is the future of programs that are important in this country, programs like Social Security and Medicare. And in agreement we have for the first time, I think, addressed what is going to be a shortfall in the Medicare trust fund, something that we are consistently reminded by the trustees is in desperate need of attention.

So I think that this balanced budget agreement, the plan that has been laid out and is now in the process of hopefully in the course of the next few weeks and months we will be implementing that in the form of legislation, but I do believe that it takes us in the right direction. I think the effect, we have to remember that this discussion really is not about the Republicans or the Democrats, the Congress or the White House or any one personality. It is really about the future of this country. It is about our kids and our grandkids, what are we doing to make this a better place for the next generation.

As I think about how this balanced budget agreement applies to those whom we are responsible for in making this a better place for them, I think about my children first and foremost. The fact, as has been alluded to earlier, that we in this country over the course of the last 30 years, since we last bal-

anced our budget, have accumulated a debt of over \$5 trillion, which amounts, as was mentioned earlier by the gentleman from Ohio, to \$20,000 for every man, woman, and child in America.

Mr. Speaker, I can give a perfect example of why we have to do something and we have to do it now that gets us moving in the right direction with respect to balancing this budget. That is \$250 billion annually in interest on the debt, 250 billion that cannot be used for any other good purpose like roads or bridges or education or any other national priority. It simply goes to pay the interest on the amount of money that we have borrowed and that someday has to be repaid. Every year we put off, and I think it is important, too, because sometimes we do not make a distinction between the deficit and the debt. A lot of people think that they are one and the same, and they really are not.

Inasmuch as we are making progress on reducing the deficit, every year that we spend more than we take in, we add to the national debt. So every year our debt continues to grow. As it continues to grow, the amount of interest that we have to pay to service that debt continues to grow.

At \$250 billion today I would argue over the course of the next few years, if nothing is done it will continue to go up to \$300 billion and \$250 billion today, just to put it in terms everybody can understand, is the amount of tax dollars that are generated to the personal income tax by every taxpayer west of the Mississippi River. That is an enormous amount of money that goes toward no good purpose other than to pay interest on the debt.

Now, it is somewhat important, I believe, too, in the context of what we have seen this last week, because last week we recognized, as we do annually in this country, tax freedom day. May 9 was tax freedom day in America. That is the average in this country today on which people quit paying Federal taxes, local taxes, State taxes; and actually start paying themselves in the jobs, in the income that they generate in those jobs.

In my State of South Dakota, for example, we are a little bit better off because we have a low tax structure at the State level. Our tax freedom day comes on April 30. But if we look at the average, across this country, May 9, or 129 days into the year, before the average individual, the average family actually starts working for themselves and quits working for different levels of government.

That is a staggering, staggering thought, when we think about how much time in this country each on a daily, you reduce that to the per day, the per week, and then the number of days in the year that we actually spend just to pay the Government. I think it is a staggering fact that something that should alarm us and hopefully that we will become more cognizant of as we evaluate the kind of return that

we are getting on our tax dollar in this country. So 129 days into the year this year.

It might interest my colleagues to note that since 1939 that has increased by about 6 days. The last time that we raised taxes in this country in 1993, we saw the tax burden go up, taxpayers in this country and the tax freedom day continues to move further and further out. So it is very important that we address that issue and that we address the uncontrollable rate at which Government in this country continues to grow.

Now, just a final thought, if I might, and I see my distinguished friend here, I believe, has some comments to make, the gentleman from Illinois [Mr. HASTERT]. But I would say in closing that as we evaluate this plan and we listen to all the rhetoric that is out there, it is important to remember, I think, to try and personalize the effect that it has not only on each individual taxpayer in this country but on their families, grandparents, on their grandkids. And as I look at it myself, I think about my kids and the fact that for the first time we are doing something that will help make this a better place for them, will give them a brighter future where they are not saddled with and burdened with a debt that will deprive them of access to the American dream, something for which my grandfather moved to this country back around the turn of the century from Norway.

If we can get to where we have done something that is meaningful and significant for their future, we will have accomplished something in this debate and in this process. Think of yourself, if you are like I am and you are raising kids, trying to think about how to pay the bills, and the average person in this, in America, who is trying to put aside a little bit for retirement, thinking about college education, a lower tax burden. The fact that there is incorporated in this plan a per child tax credit will put more money in the pockets of working men and women in America who are trying to make ends meet for their families.

If you think about our parents, and my parents happen to be in their late seventies, approaching 80 years old, they depend very heavily upon programs like Social Security and Medicare. This plan will in fact add 10 years to the lifespan of Medicare, and it gets us into a position where we start making the structural changes, the adjustments in these entitlement programs that will put us on a track to fiscal responsibility in this country and to making those programs workable, not just for those who are currently depending upon them like my parents are but also for those in the next generation, for our kids and grandkids.

I would suggest as well that for those who would say that, again, it does not incorporate everything we would like to have in it, that, and I heard this statement the other day and I think it

is very significant, that change is not an event, it is a process. We are making progress in this body by working in a bipartisan way to arrive at an agreement which is historic in terms that we have not done something like this since 1969 that brings about profound and fundamental changes in the way that we do business, that shrinks the size of the Federal Government, that saves Medicare, and that lowers the tax burden on American families and individuals.

Mr. Speaker, I would close by saying, and I will yield the balance of my time, whatever that might be, by simply saying again that I believe that we need to get behind this. We need to have the support of the Members of this body and the American public. For those who are interested and have been following this debate, this is something that is definitely a step forward. And in going back 30 years to 1969, when we took a giant step forward for mankind, this, again, is a step forward for mankind and for the next generation.

#### BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. HASTERT] is recognized for the balance of the time as the designee of the majority leader.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from South Dakota, who has made a great impact in his freshman year here in this Congress, and we certainly appreciate the good work he has done.

The gentleman is right, this Congress is making history. I think the 104th Congress made history when we had the contract, and we started to do the things that people said, there is some commonsense things that Congress ought to do. We ought to make government a little bit smaller and smarter. We need to start cutting our cost of government.

And, of course, the 104th Congress was the first Congress that spent less than any other Congress before it, I think which goes back 40 years. As a matter of fact, we saved \$53 billion, but we could not pass a balanced budget amendment in that Congress, did not get it through the Senate and may not get a balanced budget amendment through this Congress. We certainly hope so, and we will come back and work at it again.

But one of the things we need to do is balance the budget. That is what it is all about. And we have worked hard to do that. That is one of our goals.

I think the American people, first of all, expect Congress to balance the budget. They also expect us to do the job and, if we cannot pass an amendment, then we will have to do it the hard way; that is, get down.

And, of course, one of the things that we have had problems over the years is that the amount of money that Congress actually appropriates is just a

fraction of what the amount of money that Congress actually spends. What Congress spends are the entitlements.

Over the last 50 years, entitlements, that is money that never passes through the Committee on Appropriations, that is money that is never actually voted on by the Congress, it just is spent. It is the debt. It is farm programs. It is Medicaid and Medicare and other things out there. Those are the entitlements that have gone awry. They have had an increased inflation rate of about 15 percent per year.

Any time that you have a 15 percent per year inflation rate, we find out that all of a sudden the money we have spent every 5 or 6 years doubles and that is what has happened to the debt. We find ourselves with a debt of over \$5 trillion, a huge debt out there, and, as a matter of fact, \$1 out of every \$4 that the Federal Government brings in just goes to interest on the debt.

One of the things we have also found out is that what we have done is saddle our children, the gentleman talked about his kids and he worries about his kids, we have saddled our children with a debt that they are going to have to pay off unless we do something now. And now is the time. We cannot pass it off for another year or another decade or into the next century. We have to do it now, if we are going to affect the future for our children.

As a matter of fact, a child that is born today will have to go out and earn \$168,000 or some huge number like that just to pay his or her share of the interest on the debt.

So what has Congress decided to do? What have we tried to lay out? What are our parameters here? Well, we want to balance the budget of this year, 1997, in a bipartisan blueprint. And we have. We have worked with the other side of the aisle. That is what the American people want us to do. They elected the President and they elected this Congress. So we need to come out together and find a way to work together. And we have.

So we have a bipartisan blueprint for the future in order to get Washington's fiscal house in order in the next 5 years. So by the year 2002, we have balanced that budget.

So the four principles that I think that we talk about when we have tried to work on that budget agreement, budget plan, is that we are balancing that budget by the year 2002, and we have to keep it in balance. We cannot just balance it once and say we have done that. We need to keep it in balance. And if we have any kind of growth at all, if we have the kind of growth that we had in JFK's term of office, economic growth, we have certainly seen the stock market go up, we have seen job expansion, we see the lowest unemployment rate in this country that we have seen in decades, so the economy is expanding.

□ 1830

If we have the kind of expansion that JFK had, we could balance the budget

in a year. We could actually balance the budget and start to bite in and take out that debt.

If we have the kind of expansion we had during the Reagan years, we could start to balance that budget in 2 years and start to dig in to that debt and pay off that debt and get it down so our kids do not have to pick it up.

And if we have regular growth that we have had, the average growth that this country has had, around 2.3 percent, something like that, then we could start to balance that budget.

It will take a little longer, maybe 4 or 5 years, but we are in exceptional times. And certainly if we can get the budget agreement together and have some type of exceptional growth that we are certainly experiencing, we can do a phenomenal thing and try to balance the budget and do away with that huge debt we have.

So that is the first principle we have to keep in mind. Then, one of the things that I think we owe to the American people is tax relief. It is something the Republicans have talked about for a long, long time. We have talked about it in the Contract With America and then we talked about it as we came into this election year and through the election, and now here we are, we are back in Congress.

Tax relief. What does that mean? Is it special groups of people? Some say we are just giving tax relief to special groups, but it is the American workers, the family, the middle-class Americans that need help.

A fellow in my district who is a schoolteacher talked to me and said, I earned \$35,000 last year. I wanted to do something for my wife and my kid, and I wanted to buy a computer so they had something at home to work on and enjoy this, so I went out and got a part-time job.

He made \$5,000. Just about \$5,000. He said, by the time I ended up paying the taxes on that extra \$5,000 that I earned, it was not hardly worth going out and doing it. It put me in a higher tax bracket. It changed the contributions that my wife had to make.

All this problematic situation that he got into was a disincentive. It is a disincentive for people to go out and be productive. He said, I would probably have been better off if I had stayed home and did not do it. But he did do it. And he is a hardworking American, proud of his family, proud of being self-sufficient and taking care of his family and buying a home and being part of the American dream.

So I said, well, one of the things that we are talking about is the child tax credit, a \$500 tax credit per child. If there are two kids at home, it means that that family, for every child they have at home under the age of 21, there would be a deduction for \$500. If a family has three children, it is \$1,500 credit.

That takes off the tax responsibility that a family has on their taxes. That is for people who work. That is some-

thing that is great for people who are providing for their family, buying a home, keeping the kids in school, working a couple of jobs to make things work. Those are the types of things we can provide for the American family, is that type of tax credit, that type of help.

Also, one of the things we have certainly talked about in tax relief, we have a lot of seniors in my district and people who have bought and made an investment from time to time throughout their life, hopefully to save for their future. Well, their future is here.

Those people are 65 or 70 years of age, maybe 72, and the house that they bought, the tenant house they bought, or the starter house themselves, they kept it for a tenant house and built a new house for themselves in the 1960's or 1970's, and that tenant house they bought for \$25,000 or \$30,000 back then, today is worth \$150,000, \$160,000. And then they start to figure the capital gains, the penalty they have to pay because they made an investment for their future to take care of themselves.

Instead of worrying about Government or some agency or some Government handout program to take care of them, they provided for their own future. But what is the penalty? It is such a huge penalty on capital gains, they say I am not going to hand that money over to the Federal Government, I will not sell that tenant house, or I will not sell that stock, or I will not hold back the 40 acres we bought a couple of years ago because I cannot afford to sell it.

So capital gains have stopped people from cashing in on those investments they made for their future because there is such a penalty. We will change that. The capital gains treatment we have in this bill will allow our senior citizens in this country to be able to start to sell some of those assets off so they can provide for their own future, something that they worked on for 25 or 30 or 40 years to make a difference.

Certainly we can start moving those assets around in this country. We can talk about the development that we have. Certainly a positive thing. And, of course, the death tax that people have to live under. A small family business, the family farms that we have; people are afraid that if they die they cannot pass their farm on or they will not be able to pass their business on to the next generation.

Mr. Speaker, we are talking about the tax treatment out there, the death tax, so that people do not have to give up their small businesses or sell everything off on the farm for them to pass it on to their children. That is a very, very important issue and something that we provide in this bill.

Mr. THUNE. If the gentleman would yield, I see our distinguished leader here on the floor, and we all want to make room because, of course, I am sure he will have some very pithy commentary that we can enjoy listening to, but I would just like to make one

observation about something the gentleman said. I think it is an important point.

A lot of the time it has been suggested that the capital gains issue has been depicted as something that only benefits those in the higher income brackets and on the death tax as well. I talk to a lot of people, I do not come from a State where we have a lot of high incomes. We are a resource-, capital-poor State, and yet we have a lot of small businesses in my home State and we have a lot of farms and we have a lot of homeowners.

And what people I think fail to realize is that those are the things that the capital gains tax relief that we have talked about, the death tax relief, those are the things that benefit the small towns, the Main Streets, the businesses, the person who wants to pass on their farming operation to the next generation, the person, as the gentleman noted, who might be approaching their older years and wants to sell a house. These are things that are very mainstream issues; they are mainstream America. They benefit, I believe, the working people of this country who have worked hard and saved and now want an opportunity to realize some of the benefits of that effort.

Mr. HASTERT. Mr. Speaker, I agree with the gentleman. What has happened, Uncle Sam has been penalizing folks who want to put the free enterprise system to the test and save for the future. Americans should be able to keep more of their hard-earned money, and that is what this bill would allow them to do.

Mr. Speaker, I would recognize our majority leader in the House, the gentleman from Texas [Mr. ARMEY], for anything he may have to say.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding, and let me thank the gentleman from South Dakota [Mr. THUNE], for engaging in this special order.

I also want to take a moment, Mr. Speaker, to express my appreciation for the Speaker's kind indulgence, the gentleman from the First District of Tennessee, Mr. BILL JENKINS, who is in the Speaker's chair presiding this evening, who has ably succeeded and working in a place that was held for so many years by our beloved colleague, Jimmy Quillen, and who represents my mother and father-in-law.

If I could talk about this agreement on the budget for a moment, beginning with my mother and father-in-law. We all love our parents, my folks being on Social Security and, of course, to some degree also dependent upon Medicare for their health and the needs of health in their life. There are folks that as we approach this very historic budget agreement, on behalf of their grandchildren we have done this in such a way to ensure that in fact there will be financial viability of Medicare in particular and Social Security sometime in the future for their children and grandchildren.

This is an enormous comfort for senior Americans, especially those who have come to a point in their life where they have come to where they have pretty well come to depend on Medicare being there. For 3 years now, we have had recurring reports from the Medicare trustees that the system faced solvency problems, and for 3 years we have tried to reach an agreement with the White House by which we could address this solvency question so we could give peace of mind and comfort and a certain sense of assuredness to our senior citizens.

So when I look at this agreement and realize that one of the first things we have done in this agreement, and thanks largely to the persistence and the thoughtful work of the gentleman from Illinois [Mr. HASTERT], who has dealt with this problem in the greatest of detail, is we have assured that solvency of Medicare. Mom and dad do not have to worry. Their health care needs will be there, preserved.

That is very important. And yet we have done that in a manner that is respectable to their desire and their concerns about their grandchildren, our grandchildren.

We have a budget that clearly drives consistently to balance no later than the year 2002. Why do I say no later than the year 2002? By virtue of the manner in which we account for things in Washington, this is the least optimistic estimate we could make about when we get that arrival date for balance. We do that with real permanent and immediate reforms in all entitlement spending programs that assures that the great compassion of the American people will be there and available to the most vulnerable of our American citizens, particularly the elderly and the children that depend upon the programs of the Federal Government for food and clothing and shelter.

But as we reform those programs and make them more responsible and more responsive to the needs of the truly needy, we also make room for budget savings in the future, and then we are able to couple that with tax relief.

We were talking here a little bit about tax relief, and I would like to talk about that one tax relief that people do not always identify as a family tax benefit: the reduction in the capital gains tax. As the gentleman from Illinois knows, I am an economist by training and, of course, the first testament of the discipline of economics is Adam Smith's wonderful work "The Wealth of Nations," written, incidentally, in 1776, where Adam Smith laid out a principle that has been known and respected by economists ever since. Never has it come into doubt in the development of the discipline of our field that the road to economic progress, economic growth, is through abstinence and capital formation, savings, and the building of productive capacity. And that, immediately, in the person of a family, translates into more, better jobs with better chances of promotion.

And what is that heightens the heart of a mom or a dad, or for that matter even more so a grandma and a grandpa, than to see their young ones finish their education, their schooling and their training and find themselves able to launch into a career where they can begin to develop their own family with the confidence that the jobs are there, the promotion will be there, the pay raise will be there.

As we do that, and we have that economic growth, and we have so much room for a larger growth rate for the American economy, just to get up to the historic average we could grow by at least a percentage point more than we do, that means so much in the lives of our children and our grandchildren.

People do not understand that. They think of the capital gains tax reduction as something that is done for business. It is not that at all. It is done for these youngsters finishing college and looking for a job and looking for a promotion when the first baby comes along, looking for a raise when the time comes for the braces.

□ 1845

That is what capital gains tax reduction is all about.

The other aspect of this agreement that I think heightens the heart of our senior citizens especially is after a lifetime of hard work, and let us face it, we work for our children each and every day of our life.

I remember when I was a youngster, I sort of implored to my dad, I said, "Now, Dad, they've got a Mother's Day and they've got a Father's Day. Why don't they have a kids day?"

He said, "Well, son, every day is kids day." I think he was right. Every day of his life was worked in devotion to me and my needs as we do for our children, and then for us to be able as we come along to more able take the accumulation of our life's work and our savings and our investment and the business that we built or the farm that we created and be more able to leave that to our children. We find that our life's work has that enormous payoff. Can you imagine what that means in the life of grandma and grandpa, mom and dad, and then again in the life of those children.

This is a good budget agreement, Mr. Speaker. I want to thank the gentleman from Illinois again for yielding.

Mr. HASTERT. I thank the distinguished majority leader from Texas. He certainly speaks words of wisdom. We listen to those all the time. I thank the gentleman very much for being here.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1469, EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL FOR FISCAL YEAR 1997

Mr. MCINNIS (during the special order of the gentleman from Illinois, Mr. HASTERT) from the Committee on Rules, submitted a privileged report

(Rept. 105-97) on the resolution (H. Res. 149) providing for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### PLIGHT OF ECUADORAN PRISONERS

The SPEAKER pro tempore (Mr. JENKINS). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Florida [Ms. BROWN] is recognized for 60 minutes.

Ms. BROWN of Florida. Mr. Speaker, I am here tonight to talk about my recent trip to Ecuador. I met many people who have been in prison for years, sleeping on dirty floors and eating unsanitary foods. There is no hope for a trial. The problem, Mr. Speaker, is that the laws of these countries do not work unless there is a justice system to administer them.

Let me begin by quoting from the State Department 1996 human rights report on Ecuador:

The most fundamental human rights abuses stem from shortcomings in the politicized and ineffective legal and judicial system. People are subject to arbitrary arrest. Once incarcerated, they may wait years before going to trial unless they resort to paying bribes. Other human rights abuses included isolated instances of killings, tortments and other mistreatment of prisoners by the police; poor prison conditions; government failure to prosecute and punish human rights abuses; discrimination against women, Afro-Ecuadorans and poor people in general.

Last month I traveled to Ecuador to visit American prisoner Jim Williams in the Guayaquil Penitentiary. I have a picture here of Jim and his wife. Jim has been in prison at this time for 9 months. When I traveled, I carried his wife. For the first time in 8 months, she and her husband saw each other.

Jim Williams is an American. He is a businessman from Jacksonville, FL, and he has been held in this prison for the past 8 months.

Several months ago, Mrs. Robin Williams, wife of Jim Williams, along with Charlie Williams, brother of Jim Williams, came to my office in Jacksonville to discuss the imprisonment of Jim Williams. They asked if I would travel to Ecuador to help investigate his situation.

After I arrived in Ecuador, two factors became apparent. First is that the Ecuadoran judicial system, including the courts and prisons, is in a shambles, in a country where poverty is the norm and a typewriter is a luxury.

The second is, the United States officials in Ecuador have an overriding role to combat drug trafficking, particularly of Colombian cocaine. Officials related to me that because of the United States pressure for drug suspects to be apprehended, there is a

focus by an overwhelmed local police force to bring in anyone suspected of drug use, drug trafficking or money laundering.

Local police lock up persons who are associated with even suspected drug dealers. Hence, prisoners and prisons are overcrowded with suspect drug usage, drug dealers, or money laundering. They are all lumped together. But because of the rampant corruption and bribery, the most dangerous narcotics offenders and traffickers are able to buy their freedom.

Within this corrupt system, there are 40 Americans in prisons. Most of the people in Ecuadoran prisons have never had a trial and may never have one. They go to a jail where there is no public phones and there are no public toilets. In fact, there are no toilets.

I met one prisoner who had been in jail for 4 years on charges that he had a single marijuana cigarette. I want to repeat that. I met one prisoner who had been in jail for 4 years on charges that he had a single marijuana cigarette. In fact, this turtle that I got from this prisoner so I could remember him, is this not a waste of human talent, human resources? This person that carved this turtle has been in prison for 4 years without a trial, and he may never get one. He has never seen a judge.

The country has only 6 public defenders. Let me repeat that. The country has only 6 public defenders for 10 million people. Most prisoners are hopelessly lost in a broken judicial system.

The cost to Ecuadorans in terms of human capital is enormous. I witnessed children growing up in prison. This is an example of the children in prison with their mothers and their fathers, growing up in the conditions that are some of the worst in the world.

This is a picture of some of the children who live in prisons in Quito with their mothers. They have nowhere else to go. I witnessed fathers who cannot work and who are separated from their families.

There is another cost, the cost of an inefficient system in which lost cases may be lying on the floor in the courtroom and police reports are not filed for months. In other words, if a person is arrested, the judges tell me, it could take 2 or 3 months before the police get the information to the judicial system. So each lingering case represents a person and a family that might linger for years without knowledge of their case or their crime.

I visited a prison with 2,500 prisoners. Only 400 have received a trial. Let me repeat that. I visited a prison with 2,500 prisoners. Only 400 have received a trial.

Jim Williams from Jacksonville got caught in this system. He is a fisherman who has fished in international waters for tuna and other large fish. Jim Williams got caught in this system, Jim Williams from Jacksonville.

Jim is not just a prisoner. He is a person. I met Jim's mother, his brother

Charlie Williams, and his wife Robin. He has a wonderful family here in America who are doing everything they can to help Jim get a fair trial. I will not mention the word speedy trial or timely trial.

As far as I know, there is no substantial evidence linking Jim Williams to any drug deals or any money laundering. Nevertheless, when a large Drug Enforcement Agency net went out to several countries, Jim Williams was in Ecuador and was arrested by local police. He has been in prison now for 9 months, and he and his family have been trying to find their way through the fragmented Ecuadoran judicial system.

Before my visit, Jim Williams was in an overloaded court system. During my visit, I learned that a person suspected of a drug crime will face not just one trial, which is almost impossible to get, but a series of trials because of a harsh counternarcotics law. If suspected drug offenders are fortunate enough to get through the trial and are found innocent, their verdicts are automatically appealed to two more courts. They must stay in jail during these appeals because there is no bail for drug violations.

Because of the extensive bribery system, simply getting a trial can cost a prisoner up to \$30,000. Wealthy people simply buy their way out. But Jim Williams has insisted on proving his innocence. Unfortunately, those who plead innocent spend more time in the system battling the charges than if they had pleaded guilty to the crime and had served their time.

I would like to talk about another Floridian, Sandra Chase. She is 53 years old and has been in jail for 1½ years and still has not had a trial. Mrs. Chase, on her first trip out of the country, went to Ecuador last December. Mrs. Chase is another person arrested on this counternarcotics law.

In March when I went to Ecuador is the first time she finally gave her statement to the police. Mrs. Chase has a circulatory disease and her feet are black and blue. I met her daughter, Tammi Chase from California, last week. She has the following to say:

My mother is a good person who has never been in trouble. Now she is in prison in Ecuador. I don't know who to turn to. My mother will probably get 10 years and serve 5. I have a problem with that. I want to help my mother. I've already sent \$20,000 to pay for a trial, and the money went nowhere. I send her food and clothes which other prisoners steal from her and beat her up. I am scared for her life. Why is there no one to help me?

□ 1900

Mr. Speaker, Mrs. Chase remains in jail today.

I would like to talk about another prisoner, Mr. Richard Parker. Mr. Parker of New York State was arrested in May 1995. He waited 15 months before his trial, 15 months. The judge found him innocent.

Now I want to read that again. Mr. Parker of New York, May 1995; he wait-

ed 15 months before his trial. The judge found him innocent; his case was appealed to another court.

They asked for an additional \$20,000. The next court asked for \$30,000. Richard refused to pay the court. They reversed the sentence, and he received 8 years.

Let me tell you, Mr. Parker now has tuberculosis, and let me read a letter from his father:

I visited Richard for several hours each of the four days I was there. I had the occasion to see the food which was distributed twice each day. Always it was a vat of weak watery broth from which feather heads and yellow feet of chicken stuck out. To obtain edible food prisoners had to buy food which for a payoff guards allowed to be brought in and which for another payoff was prepared in facilities by prisoners who sold it. The cost to support Richard in this environment has been several hundred dollars per month.

Richard was allowed to take me on a tour of the prison, with a guard of course. I met a man from Cuba who had befriended Richard earlier but who could not afford to be moved. Last year another prisoner killed him. I also met a man who had only half of one arm which was still bandaged. He had been disarmed by a prisoner with a machete.

Mr. Parker now has tuberculosis and is still in prison.

During the time that I visited Ecuador, Mr. Parker was in the hospital. If you are in the hospital, it costs your family \$70 a day. So you see that poor people have no way out of the system.

During a meeting with advisers to the Supreme Court, I listened as they explained the most serious need of Ecuadoran judicial system, and I vowed to return to the United States to find assistance. Since returning to Washington, I have learned of the \$10 million World Bank loan package now approved for assistance to Ecuador's judicial system, and I am working to expedite the process.

This certainly should help with reform, but there is an important need for the U.S. oversight. There is a need for accountability.

Like my colleagues on both sides of the aisle, I am committed to fight the drug flow into the United States. Let me say that I am committed to fighting the drug flow to the United States. I agree that drugs are the poison destroying our homes and our children. But we cannot ignore the fact that the war on drugs has helped create casualties in South America and allowing others to buy their way out of prisons. Wealthy people and the poor and innocent are suffering for years imprisonment; it just cannot go on, and they are being treated like animals.

I pray for safety, good health and justice for Jim Williams, Sandra Chase, Richard Parker and thousands of other prisoners in Ecuador who see no end to their injustices. I hope they will soon be reunited with their families. They have already lingered much too long in a broken criminal justice system.

Let me now yield to my colleague who has been very, very supportive,

who is from Georgia, who is the Representative of Jim Williams' family.

Mr. KINGSTON. I appreciate the gentlewoman, my friend from Jacksonville, for yielding. I think it is very important the point that you are making about the war on drugs. It does have to be an international battle as drugs are grown in one country, manufactured in another, sneaked into other countries; it does take a cooperative effort. But as you pointed out, one of the main legs of this has to be good judicial systems.

And you have already mentioned that in the prison that you visited, of 2,500 prisoners only 400 have been to trial and that the costs per trial is \$30,000. Now, that is the hard costs. You and I know there is other costs that are under the table that cannot be reported. But it is a reality down there, and we know about this.

Ms. BROWN of Florida. Let me say that the \$30,000 is not on the table, it is under the table.

Mr. KINGSTON. Well, that is just to get you a place in line, and sometimes, if you want to pay more, it can influence the verdict. And the gentlewoman has pointed out that the families back home, the spouses and the children who are waiting while the loved ones locked up in Ecuador or somewhere in South America, they do not know what is going to happen.

This is an American's worst nightmare. It is bad enough being in jail, innocent; bad enough certainly when you are guilty, but at least in America you know you are going to have a fair trial. But when you are in a foreign country, you do not have that assurance.

You made the statement, and I agree with you completely, that drug laws cannot be adequately or fairly addressed without judicial improvements, including training for police and judges, because we do not want to go and impose our will on other countries, but at the same hand when it affects American citizens, then we have an obligation, and that obligation, we want to work through diplomatic channels, and you certainly have done that. But at the same hand you have to have an urgency to you to say, you have got Americans over there, you got to bring them back because the next person could be someone you know.

And I remember when I was young going to Mexico from the Texas border and going into Juarez, and I remember also having an opportunity to go to Tijuana from California, and I remember vividly as a 17-year-old and 18-year-old my parents begging me not to go because my mama would say: "You don't know," and I am not throwing something off on the Mexican Government, but there would be certain law enforcement folks who could possibly plant something on you just to extort money out of you, and you are locked up in a Juarez jail somewhere, and you do not know what is going to happen to you.

And so often Americans decide not to go abroad, and I think it is important

for us in terms of our relations with other countries to have a good flow of tourism back and forth. But we are not going to have tourism when people are afraid that if they are caught doing something, innocent or not, then they do not know if they are going to get a fair trial.

Ms. BROWN of Florida. Well, one of the things that is tragic about the system is that if a husband and wife is in the country and family members are picked up, fathers, in-laws, anyone suspected; so I mean you do not have to have proof, and you sit in prison for months, years, waiting on a trial, and if you do not have any money, there is no trial.

And in fact you would come out better if you plead guilty, as opposed to pleading innocent, because you will serve more time in prison if you say that you are innocent. And there is something wrong with a system like this.

Mr. KINGSTON. Now the pictures; you have some good pictures right here, but you also had some smaller pictures which I know you could not blow them all up, but the jail itself that these Americans are in looks like what you would envision a jail looking like maybe 50 or 60 years ago. Odors, stains on the wall, dampness, puddles on the floor, cracked ceilings, paint chipping off, graffiti on the walls, and I think worse, prisoners mingling about the rapists and the murderers with the check bouncers.

Ms. BROWN of Florida. As I said earlier, a person with one stick of marijuana or someone that has a drug problem, they are all lumped together.

But let me say something about the prison because perhaps I have not adequately described it. There is no toilets in the prison, none whatsoever. So all of this filth is right there, right out in the open. It is hard to believe that this condition could exist to our neighbor and the overcrowdedness, and the fact is children are being exposed to these conditions and diseases that run rampant in the prison.

Mr. KINGSTON. Now in the Ecuador prison that you went in, the overcrowdedness, it did look to me like there were too many people. Do you know how many people per cell or how do they do it? How many beds?

Ms. BROWN of Florida. They do not have a cell. It is just like an open barn with dirt floors, and there is an upstairs.

Can you see the picture over there with Mr. Williams and his wife? Well, this is a good area. And it is like up and down under, is like a dungeon, and that is where most of the prisoners are. And it is a few steps that separate them. But the odor comes up.

But in this prison where you have over 2,500 people, no fresh water, no toilets; they dig holes in the ground, and they sleep on the dirt. It is just hard to describe.

Mr. KINGSTON. Now in that atmosphere where Americans are being—

Ms. BROWN of Florida. Forty Americans to date.

Mr. KINGSTON. Forty Americans are in this atmosphere. Do they have access to pay telephones?

Ms. BROWN of Florida. No phones. There are no phones.

Mr. KINGSTON. No phones.

Do their mattresses have sheets, or do you know?

Ms. BROWN of Florida. There are no mattresses.

Mr. KINGSTON. No mattresses and no sheets.

Ms. BROWN of Florida. That is right.

Mr. KINGSTON. So no linen.

Do they take showers, and, if so, how often are they able to take showers?

Ms. BROWN of Florida. There is no water, and there is no showers. There is lots of diseases.

Mr. KINGSTON. Is there a medical doctor?

Ms. BROWN of Florida. There is no medical doctor, and in fact Mr. Parker from New York that I talked about had to go to the hospital, and that would be another discussion because it is not a hospital. But the families, the American families, have to pay for that, and it costs \$70 a day.

Mr. KINGSTON. Now, when you find a place to sleep on the floor, do you have the same spot every night, or do you have to kind of push to find a dry warm area?

Ms. BROWN of Florida. It is if you do not have any money, you know your life is at risk every single moment that you are there.

Mr. KINGSTON. How about insects and bugs? South America, Ecuador; I always think you and I are from Georgia and Florida. We have our share of mosquitoes. What is it like down there?

Ms. BROWN of Florida. Well, the conditions is the worst. In fact, the human rights groups indicated that Ecuadoran prisons, and I am sure this may be true in most of the South American countries, but Ecuador, No. 1, is one of the worst human rights violations in the whole world.

And you know I feel kind of responsible in the sense that it is our drug policy, and their system was not set up that there is misdemeanors and you know. So small offenses, all of them, are treated the same, and this is where we can help as far as providing assistance to the judicial system to set up misdemeanors or to set up bail for small offenses.

I mean this is a travesty, a human travesty, and it is the waste of not just the children but the family. But it costs the system just to keep these people in prison.

Mr. KINGSTON. Now you keep talking about if one joint of marijuana is found on you, you might as well have a whole truck.

Ms. BROWN of Florida. That is right.

Mr. KINGSTON. And these prisoners are all mixed together.

What is the prison violence like? Is there a lot, or you know is there a pecking order among the inmates

where, you know, those who are wealthier have better facilities than the poor ones?

Ms. BROWN of Florida. Unless you have some money you have no, no facilities.

Mr. KINGSTON. So if you are an American and your family does not have money or if you do not have a family and you are in this situation, you are just stuck in a rat hole in South America.

Ms. BROWN of Florida. That is right. Most of the Americans do have some kind of family support, but most of the Ecuadorians are just locked in the system like this young man. It was just in fact the prisoners brought him to me. They wanted me to see this example. Here this young man, a young man, got caught with one stick of marijuana being imprisoned 4 years; not a trial, not seeing a judge, not seeing a public defender, just there and will be there because he has no money and no family.

□ 1915

So that is the case for most of the 2,500 people in this particular prison.

Mr. KINGSTON. And he was Ecuadorian?

Ms. BROWN of Florida. Mr. Speaker, he was.

Mr. KINGSTON. Did he make this turtle?

Ms. BROWN of Florida. He made this turtle.

Mr. KINGSTON. Mr. Speaker, he makes a turtle like that in jail. That means he has a knife, right?

Ms. BROWN of Florida. Absolutely.

Mr. KINGSTON. So how old is this kid?

Ms. BROWN of Florida. Well, Mr. Speaker, if the gentleman heard my testimony, one person, Mr. Richard Parker's father, saw the person who had his arm cut off with a machete. So if one has money, one can buy anything. So one of the things that I found out that if one is a drug user, it is easy to purchase in prison. I mean one can get it and one can get as much as one wants, and one can become an addict in prison.

Mr. KINGSTON. Mr. Speaker, it is bizarre that in 1997 that exists anywhere in the world. It is further bizarre that 40 Americans would be in it.

The human rights organization which the gentlewoman alluded to, have they reported any torture in this prison or in similar prisons?

Ms. BROWN of Florida. Mr. Speaker, they have not only reported torture, but murder. Killings.

Mr. KINGSTON. Mr. Speaker, have any Americans been murdered yet?

Ms. BROWN of Florida. No; no Americans to my knowledge.

Mr. Speaker, one of the things is that I met with the other Embassy and asked for a status of all of the 40 Americans that are in prison. My staff met with five women in prison in Quito. And that is where Mrs. Sandra Chase from Fort Lauderdale, she has been in

prison for a year and a half, but there were five women in this particular prison. We met with her and talked with her, and as I said, she has been in prison for a year and a half, had not even given a police report.

Mr. KINGSTON. Mr. Speaker, let me ask the gentlewoman this. She went to this prison and the gentlewoman's visit was fairly well publicized. They knew 2 or 3 weeks in advance that the gentlewoman was coming. The gentlewoman was accompanied by State Department personnel and diplomats, I think. Beyond that, there were professionals and Ambassadors, political-type appointments. They knew the gentlewoman was coming. So did it appear when the gentlewoman was there that the gentlewoman was somewhat insulated from the bare truth?

It sounds to me like the gentlewoman saw things that they would ordinarily want to hide from a visitor such as herself. Did my colleague get the impression things were being hidden beyond this, or did she think that she saw all, and they did not care if she did or did not?

Ms. BROWN of Florida. They did not care. In fact, when I talked to the police and the judges and the public elected officials, one of the things that was said to me was that we need help. We need help, and help is not just financial; judges to come over and help them set up guidelines, workshops, expertise, training to train more judges.

Mr. Speaker, it is a system that is drowning. I went to one of the judge's offices, and it was amazing, papers piled up to the top of the ceiling. No computers, no fax machines. Old typewriters.

So it is an antiquated system that cannot comply.

Mr. KINGSTON. So, Mr. Speaker, they were not telling the gentlewoman, get out, Yankee go home, mind your own business; they were saying, Congresswoman, we are glad to have you here.

Ms. BROWN of Florida. There was none of that, Mr. Speaker. There was none of that. It was a real understanding that we have a problem and we need help with this problem. There was an acknowledgment that bribery, the system, that the system was antiquated, the system was not working, and they just really needed assistance. I hope that we can give them that assistance.

Mr. Speaker, we do a lot of stuff all over the world, but I think we need to start at home, and South America is our neighbor. We need to do something about it. We are all against drugs and drugs coming into our country, but, clearly, our laws have affected their system.

Mr. KINGSTON. Mr. Speaker, let me ask the gentlewoman one more time for the RECORD. What was the name of the prison and what was the city that it was in in Ecuador?

Ms. BROWN of Florida. I visited two prisons, one in Guayaquil and one in

Quito. The first one that I visited, 2,500 people in prison, 400 had received a trial. The other prison that my staff visited was a women's facility in Quito, and that is where the five American women were located. I met with about 10 Americans in Guayaquil, and I talked with them. They were husband and wife, and I talked with them about the various cases. And one of the things I have asked our State Department is to look into the status of each one of these cases and give us a report back on it and let us know what stages these are in.

Now, their justice system has several stages. One is the arrest stage, probably the beginning and the end. But then the next stage should be some kind of a statement as to what one has been tried for. Then, one has one judge that decides whether one is guilty or innocent. And if one is found innocent, it automatically goes to like a Supreme Court, which is three judges; and then they rule on it. During this entire period that could take up to 4 years, you are in prison. There is no bail.

Mr. KINGSTON. Mr. Speaker, so that could take 3 or 4 years. Does one ever get to a stage where one has a trial by jury?

Ms. BROWN of Florida. There is no jury whatsoever.

Mr. KINGSTON. At any stage?

Ms. BROWN of Florida. Mr. Speaker, at any stage there is no jury system whatsoever. There is no bail, and there is no misdemeanor.

Mr. KINGSTON. Mr. Speaker, would it be fair to say that these prison systems are revenue-raisers, that often it is a matter of buy your freedom rather than have it heard in a trial?

Ms. BROWN of Florida. Mr. Speaker, I think it is revenue-raising for the bribery and that system, but it certainly does not look like it is revenue-raising for the country. But those people that are working in that system, for example, Sandra Chase, they paid \$20,000. Where did that money go to? Richard Parker paid \$10,000. Where did that money go to? He was found innocent. However, he was asked to pay another \$30,000. The family refused. He was found guilty and given 8 years in these conditions that we just talked about. He has contracted tuberculosis.

Mr. KINGSTON. Mr. Speaker, when an American overseas gets tuberculosis in a foreign jail, is there any kind of intervening rule in diplomacy that says we can give them medical treatment?

Ms. BROWN of Florida. Well, I did learn of something today that may be helpful to us. I met with the second person in charge of our operation there, the State Department, Mr. Curt Struble. He indicated to me that there is a treaty to date, as we speak, over in the Senate waiting for ratification. What that treaty would do is that the Americans over there could be transferred to American prisons in the United States once we expedite the treaty, and that is a ray of hope.



Mr. Speaker, a lot of times we take this great country for granted.

Mr. KINGSTON. Mr. Speaker, that is true. We do that on lots of fronts and a lot of people.

Ms. BROWN of Florida. Mr. Speaker, that is right. I knew when I came home, I was just glad to be home and glad to be an American citizen. At this point I would not recommend going to some of those South American countries, including Ecuador, until we can straighten out this system.

Mr. KINGSTON. Mr. Speaker, I am glad that the gentlewoman has gone, and I am also glad that she has shared her information with other Members of Congress, because we as Members of Congress need to know what is going on, particularly when American citizens are involved. In this case we have a joint constituent; but if it is an American, it is everybody's constituent.

Ms. BROWN of Florida. Mr. Speaker, let me mention one other thing. I have an amendment that I think was ruled in order on the bill that is coming up, and I guess it is going to come up in the foreign bill.

Mr. KINGSTON. Mr. Speaker, it may be postponed, as I understand it now, until maybe in June.

Ms. BROWN of Florida. June, okay. Well, I hope my amendment will still be in order.

Mr. KINGSTON. Mr. Speaker, I do not know for sure, but I do know that it has been postponed.

Ms. BROWN of Florida. Mr. Speaker, let me say about my amendment, it has been ruled in order, and it does a couple of things. One, it gives language to the President when he reports to the Congress on the status of drug trafficking. And we also want to know when he reports to the judiciary reform, we need to know how that is also working, and also appropriate case management that separates misdemeanor from serious offenses and eliminate corruption. In other words, we want to know what they are doing as far as doing away with bribes and other things that is really embedded in these systems.

Also, there is another aspect: Can Americans and other foreign individuals operate businesses in these countries? According to generally accepted business and human rights provisions, without the fear of arbitrary arrest, without criminal evidence, and without legal representation or a trial.

Mr. KINGSTON. Mr. Speaker, that is a sensible approach to better international relations, and I think a positive step, because if one is operating a business there, one needs to know. I had a case in Savannah of two young women who were aspiring actresses and they got a contract to go to South Korea to do a film, and when they got there, the manuscript of the film was switched to a pornographic movie.

Now, they said: This is not the manuscript we have signed a contract on. And they said: It might not be the manuscript, but it is the movie that

you signed a contract on; and if you break it, in Korea, it is a criminal offense. Or a civil offense is treated like a criminal offense, and so these two young ladies would be put in jail.

We were able to get the State Department involved and our office intervened. We got them actually out of the country in a very spirited chase like out of a movie itself, but got them home. But it is just ridiculous. Here we have two idealistic young women in their early twenties going overseas, the manuscript gets swapped, and they had the good sense to say no.

But Mr. Speaker, the next group or the group before them may have said: Well, I guess we are stuck, we are going to have to do this. And that is what the film company was hoping on. And these girls somewhat called their bluff but at a great personal risk. I think Americans need to know these dangers before we go overseas, particularly in business settings.

I think if one is a tourist and one stays in kind of the middle of the road, they are probably okay, but if they are trying to do something a little bit different, then they can get in trouble.

In fact, it is interesting. I had another friend whose wife is a legal resident. But she is a British national, lives in Savannah. She is a British national born in Hong Kong and she is Asian. She has lived in Savannah, taught school for 20 years. She goes to Korea on vacation. She is leaving and they will not let her leave because she is Asian, and they decide that she has a counterfeit American passport to get into the country and they will not let her out.

□ 1930

Fortunately, our State Department intervened and they were able to get her out. But again, some of these laws are crazy. Americans can very, very innocently fall into a situation where before you know it they are in jail, they are in some crazy prison, like the ones you have visited, or they are tied up in court, their career is on the line, there are monetary problems, family problems, and so forth.

What the gentlewoman is trying to do with her amendment is say, let us take the uncertainty out of foreign commerce. If we can do that, foreign relations will improve.

Ms. BROWN of Florida. Absolutely. I want to thank the gentleman for his help and leadership on this matter, also. It is just such a vicious cycle as far as the whole criminal justice system in Ecuador. It is very unfair, particularly to the Ecuadorans. We are talking about the 16 Americans, but it is harsh on the Ecuadorans who have no money, so they just sit in prison.

Mr. KINGSTON. And make turtles. I thank the gentlewoman for inviting me to join her tonight, and I appreciate everything she is doing.

Ms. BROWN of Florida. I thank the gentleman very much.

Mr. Speaker, as I come to the close of this special order, I just want to think

about these children that I met. The children are innocent. In many cases the families, the male or female, could be innocent, but this system does not distinguish the innocent from the guilty, or the misdemeanors from the major. So we have the responsibility to do what we can to make the system better.

As Americans, we may be thinking tonight, well, what does that have to do with me? Do Members know, this is a global world. We used to think the world was big, but the ship is very small. We are all in the ship together. We are going to sink and swim together, so I am going to do all I can, working with my colleagues, to make things better for the children here on this side of the border, and the children that live in the Third Congressional District of Florida.

Mr. Speaker, I include for the RECORD a letter to me from James Gordon Williams.

The letter referred to is as follows:

PENITENCIARIA, GUAYAQUIL, ECUADOR,  
Thursday, May 8, 1997.

Hon. WILLIAM CLINTON,  
President of the United States of America,  
Washington, DC.

DEAR PRESIDENT CLINTON: I am writing from my cell in the penitentiary in Guayaquil, Ecuador. Writing the President of the United States was never something I imagined that I would do, but then again neither was spending eight months in a South American jail. I am charged with money laundering for a Colombian that I did business with for a number of years. This man, Jose Castrillon is the target of an FBI investigation in the US. I am an innocent man. If Mr. Castrillon was involved in drug trade, I never saw any evidence of it during the years that I did business with him. The charges against me in Ecuador are based on lies and fabrications by the Ecuadorian National Police. My case would be thrown out of any real court of law in the world. My arrest along with seventeen other persons was documented as the number one accomplishment in the United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, in their International Narcotics Control Strategy Report, dated March 1997. In this publication, it states that with the help of the US Government, the Ecuadorian National Police dismantled a band of narcotics traffickers led by Castrillon. The persons mentioned in this report are workers, accountants, maids, fishermen, lawyers and businessmen. No evidence of drugs has been related to any of these persons in Ecuador. This US State Department report also contains lies and fabrications.

I would like to relate several facts that have been primarily obvious to me by this experience.

1) Judges, Policemen and Politicians in Latin America can not live on the salaries that they are paid. Corruption is a way of life within these institutions. It has been this way for many years. This knowledge is sine qua non for doing business in Latin America. If drug trafficking and money laundering is a form of corruption in one of these countries then look first to the above institutions for the real culprits. If funds are given to these institutions to fight corruption it would be analogous to giving Al Capone funds to help fight corruption in the US seventy years ago.

2) The US Agencies that are responsible for US drug enforcement in Latin America seem

to have become more concerned with funding than enforcement. At least some of the reports produced by these Agencies are erroneous and misleading.

3) The pressure that is being applied to Latin American Countries by Certification does not hinder drug traffickers who have no interest in that country's real economy, but it definitely creates strong anti American feelings and distrust among the citizens of these Countries.

4) The "War on Drugs" is not a winnable war as it is being fought today. Billions of US tax dollars are being squandered. In Latin America, thousands of innocent persons are being killed, tortured and illegally detained by corrupt forces that are supported by the US. Meanwhile, drugs continue to flow at an ever increasing rate. The suffrage from drug use in the US is a result of the addicts lack of education. If we can not blame the addict then we must blame our society. The torture and killing of innocent persons in Latin America is also the result of ignorance, but not of these tortured citizens nor of their society.

I have lost my business, and my life's savings because of mistakes made by Ecuadorian and US Law Enforcement Agencies. Congresswoman Corrine Brown recently made a trip to visit me in Ecuador. She is doing her best to help me get a fair and expedient trial in Ecuador. The stigma associated with the words "drugs" and "Colombian" scared other US representatives away from my case. Congresswoman Brown was able to see first hand some the results of police brutality and injustice in Ecuador. I beg of you, for the sake of tortured souls in Latin America and for the integrity of our Great Nation, please reconsider your policies on the "War on Drugs".

Respectfully,

JAMES G. WILLIAMS.

Mr. LANTOS. Mr. Speaker, I rise today to join my distinguished colleague from Florida, Congresswoman CORRINE BROWN, in expressing concern for the human rights situation in Latin America and the Caribbean. I congratulate Congresswoman BROWN for her leadership in requesting time so that we can have the opportunity to address these issues.

As my colleagues know, my commitment to human rights around the world has often focused on the Americas, whether by pushing for declassification of our own Government's documents with regards to Guatemala and Honduras, or inquiring into our own end-use monitoring capabilities with regards to Mexico, or even monitoring human rights conditions in the Brazilian Amazon and its link to our contributions to the World Bank. So I welcome this opportunity to remind all of my colleagues that our human rights task in the Americas, while headed more or less in the right direction, is far from over.

Indeed, we have much work ahead of us. We must remain ever vigilant to ensure that the fragile peace that was won in Guatemala, El Salvador, and Nicaragua does not revert to the tempest of human rights violations. We must lend Mexico a helping hand to prevent that government from heading down the slippery slope of increasing human rights violations and to reinforce attempts at institutional reform. We must strengthen the resolve of Hondurans who are prosecuting those who tormented their society through illegality. We must support efforts in Haiti to ensure accountability in its newly trained police forces. And whether we are dealing with Chile or Venezuela, Brazil or Peru, we must unequivocally support all efforts to obtain justice for the

countless victims and survivors of some of our neighbor's darkest periods of their history. Justice is a human right and as such is the birthright of every man, woman, and child on the face of the Earth. We must not forget that human rights are not luxuries or privileges. They are birthrights which I am proud to support.

I would also like to take this opportunity to salute those courageous men and women who strive to make the respect for human rights a part of the everyday reality of their communities and their nations. These human rights defenders unfortunately are under attack in many areas of the Americas. But it is these same people who are our early warning systems in times of trouble. They are the ones on the front lines who can tell us whether or not a situation will worsen. The Colombian human rights defenders have been warning us—and dying while they do so—and we have all witnessed in horror as the paramilitaries in that nation have committed massacre after massacre, often in a preannounced fashion.

Mexican defenders have warned us of the deterioration in basic respects and we have witnessed attack upon attack, while the defenders themselves are subjected to death threats, harassment, and even deportation. In Peru, defenders have received funeral wreaths from the same type of cowardly anonymous thugs who torment defenders elsewhere and in Honduras, not even the children are spared of attacks because of the work their parents do to protect those in need. Clearly this pattern of attacks against defenders must be reversed and we must do all we can to highlight the importance of defenders and our support for what they do. Our Nation must use all of its available resources and occasions to voice support of their courageous work. Indeed it is ironic that those who become involved in protecting the rights of others themselves become subject to attack and having their rights violated.

Finally, we must not forget our role in this equation. We are members of the most powerful Government on this Earth. Every wink, every nod, every transfer of money and every piece of military hardware we send is interpreted as supporting one policy or another. Our silence is equally scrutinized so that when we remain silent in the face of human rights violations, those who commit them think that our Government does not care what happens. We can use this power for good or for ill and an important step is assuming our responsibility for our actions and becoming aware that our intentions must often be followed by our deeds and our words lest what we do or what we fail to do be misinterpreted. By siding with human rights and with its defenders, we assume this responsibility and face this challenge and ensure that the next generations will inherit a better world than what we inherited.

#### A LEGITIMATE DEBATE: HOW WILL AMERICA GET TO A BALANCED BUDGET?

The SPEAKER pro tempore (Mr. LATHAM). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, the importance of the budget agreement is

that we are saying that America is no longer going to debate having a balanced budget. We are going to have a balanced budget.

Now that we have answered that question, the next part of it is how are we going to get that. I think that is a legitimate debate: What is the role of government going to be; what are the roles of these bureaucracies; is the expenditure something that the private sector could do better? Is it something a nonprofit organization could do, or is it something that the government should do, but on a State or local level, or is it the domain of the Federal Government? These are all relevant questions as we fight to balance our budget.

The vision of America is what the actual debate is about. It is not just a matter of liberals versus conservatives or urban versus rural, it is a matter of what is it that we think the Federal Government should be doing, should be offering. Should it be involved with your life to the Nth degree, or should it kind of stand back, and so forth. All this ties into the money debate.

As we have it right now, the gentleman from Ohio [Mr. KASICH], the gentleman from Georgia [Mr. GINGRICH], and Mr. DOMENICI and Mr. Clinton and the various players in the House and Senate and the White House have agreed that we will balance the budget by 2002. We have agreed on a number. We have agreed on a downward slope toward it.

The beneficiaries of this will be the American families. When the budget is balanced, interest rates, according to Alan Greenspan, will go down. When interest rates go down that means we will have less interest that we will have to pay on our home mortgages. A 2 percent interest rate on a \$75,000 home mortgage could mean over a 30-year period of time that you pay \$37,000 less; on a \$15,000 car loan, it could mean that you are paying \$900 less. On student loans, anything else you want to borrow, that would be a benefit to the American families.

The other thing about the benefit of a balanced budget to the American family is it would give tax relief. Mr. Speaker, right now we are taxed higher than any generation of Americans in the history of our country. The average tax burden in America today is 38 percent. When you have a tax burden of 38 percent, if you look at this figure just roughly, a two-income family with a combined income of \$55,000, one spouse is making \$22,000, that means that that income is going to pay taxes. That means that that spouse is working for the Federal Government. We might not call it the Federal Government, we might call it a shoe store, we might call it the insurance agency, we might call it clerking at a law firm or working at a hospital, but the fact is that 100 percent of that income goes to pay taxes.

That is higher than what the average Americans are paying for food, shelter, clothing, and transportation. It is an

astronomical figure. In the 1950's the average American family was paying 5 percent Federal income tax. Today they are paying 24 percent Federal income tax. I am only talking about income tax, not all the other taxes combined.

If we balance the budget, Americans can move toward tax relief and lower taxes. In the balanced budget agreement there is capital gains tax relief. The capital gains works like this. If you are an elderly couple and you bought your house 20 years ago, and the husband, let us say, because this is very common where I live, the husband is dead and the woman lives on Whitmarsh Island, or Wilmington Island, because we have a lot of waterfront property in the area that I represent in Savannah, the house they paid for in the 1970s, they paid \$30,000, today it is worth \$400,000.

But she is living alone. She is on a fixed income of maybe \$10,000, maybe \$15,000 a year. If she sells that house, because she may need the money for long-term health care, or for medical reasons or whatever, if she sells that house she is taxed as if she makes \$400,000 a year. Capital gains tax relief will help that widow. It will also give death tax relief.

Death tax relief works this way, Mr. Speaker. If you have saved all your money and you have a good, frugal lifestyle, and you bought IBM stock in the 1960's, in the 1970's, and even the 1980s, and today the value of that stock has tripled, and you have foregone nice vacations or boats or fancy clothes because you are a saver, not many left in America but there are still a lot of them out there, but you have saved your money and now you want to sell that IBM stock or pass it on to your children, if you try to sell it you have a capital gains tax problem. If you try to pass it on to your children, you are limited to \$10,000 per child per year.

So generally what happens is our seniors, our savers, die. Then Uncle Sam makes his move. For the amount of money over \$600,000, about 40 percent of it is going to go to Uncle Sam. That is not fair. You have paid taxes on the stock already when you purchased it, and if you have that stock you are not going to be able to pass it on to your children because Uncle Sam is going to get his fair share. That is the death tax. You cannot escape taxes even when you die, in the United States of America.

The final tax that is given in the balanced budget agreement, the tax relief is a \$500 per child tax credit. That would help people who have small children.

I have a couple of charts, but just to show this, Mr. Speaker, this chart says so much. Balancing the budget is good for America because it is good for American families. Balancing the budget is not about numbers, it is about people. It is about Dad and Mom and little Jane or little Bob and whoever else, because it is very important that we look after American families.

When was the last time that the budget was balanced? In 1969, and Mr. Speaker, you were a young man back then, and so was I. In 1969 the Beatles had just released *Abbey Road*, Nixon began the SALT talks with the former Soviet Union, the Smothers Brothers and the Mod Squad were still on TV, and *Apollo 11* had men on the moon in July, 1969. That was 1969.

Pocket calculators were not even on the drawing board in those days, Mr. Speaker. Pocket calculators were not even a pipe dream back then. Computers were not. In 1969 probably not a school in the United States of America had a computer in it. Look at today. We have computers in just about every school.

What does the balanced budget agreement have? It has these components, very important: The budget will be balanced by the year 2002; it will provide tax relief for American families, and we have talked about that; it will provide entitlement reform; it will save Medicare from bankruptcy.

I have already talked about this date, the year 2002. You have to have a deadline on these things. We have talked a little bit about tax relief. Let me talk a little bit about entitlement reform. Entitlements take up about 50 percent of the entire budget. Entitlements are generally known as programs that are automatic. They benefit people. It includes anything from VA to Medicare to Medicaid, Social Security, all types of programs. But if that is where 50 percent of the budget is, or where the expenditures are, we have to know we get the best bang for the buck.

We have a debate going on right now about WIC. WIC stands for women, infants, and children. It is a formula program. It is a program, a nutrition program, that everybody agrees on on a bipartisan basis, generally.

Last year, as Members know, the Republican conference funded WIC at a full \$3.7 billion. It passed on a bipartisan basis. Everybody was in favor of it. This year, on the emergency supplemental, Members of Congress decided that WIC needed a little bit more money. WIC has an escrow account of about \$100 million, and that has not even been touched. But nonetheless, the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, increased WIC funding by \$38 million. What do some of the liberals do? They turn around and say, you have increased WIC, but not as much as we wanted you to. Therefore, you have cut.

Follow me closely, Mr. Speaker. If we increase a program \$38 million and people call it a cut, it is a new assault on truth in debate by the rhetorical terrorists of Congress. We are seeing this over and over again. When it comes to making difficult decisions that involve important programs for seniors, for children, for education or the environment, rhetorical terrorists in Congress parade out the person involved in the benefit and use them as a pawn to in-

crease the size of Government and increase the size of bureaucracy.

Never mind that in this case the USDA has told us that \$38 million is sufficient for WIC, and that there is another escrow account, along with the \$100 million, of about \$40 million that is available. The numbers are already there. Yet, some Members of Congress want to use WIC as a political issue, and have misconstrued the debate one more time in Congress to increase funding, and therefore, most importantly, increase the bureaucracy. Twenty-five percent of WIC goes to the bureaucracy, Mr. Speaker.

It is interesting that the liberals who are pushing this do not want to study the program. I am on the Committee on Appropriations, as the Speaker pro tempore is, and we have recommended, let us study it, because there is genuine concern about this. The concern even was brought up by Democrat Members, liberal members of the committee, about are these numbers real or not.

We had said, let us study it. The same people who say the numbers are wrong refuse to sign off on a study of WIC. I say, if we are going to have entitlement reform, we have to have truth in debate. We have to agree that we can improve programs without being against children or being against the elderly or whatever.

Remember, Mr. Speaker, last year on Medicare funding when the Republican Congress went from \$190 to \$270 billion, it was called a cut. When we went from \$89 to \$124 billion in Medicaid funding, it was called a cut.

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When we went from \$26 to \$40 billion in student loans, it was called a cut. If America wants a balanced budget, America has to be mature enough to say this is worth a truthful debate. We can have an honest disagreement and have studies that find better ways to get more money to the children back home.

But I am worried about, Mr. Speaker, a friend of mine. I am going to call her Jane. She is a real person. She has two kids. She is a single mama. Sometimes she gets child support, and sometimes she does not. Our office has been involved in it; and having been involved in child support battles, it is real hard to get child support from somebody who does not want to give it. We have all kinds of deadbeat-dad laws in Georgia, and sometimes they work and sometimes they do not.

Mr. Speaker, Jane is out there with two kids. She is not on public assistance. She is not on WIC. She is not on food stamps. She is not on public housing. Yet, she is paying over and over again for people who are not on public assistance, many who have the financial ability or physical ability to get off of it. She is paying for 25-year-old men who are able-bodied to be on welfare, while she is out busting her tail working 40 and 50 hours a week at her

job to come home and to cook and to sew and to do the dishes and to wash the clothes and drive the car pools.

That woman deserves better than what we are giving her, Mr. Speaker. She is getting abused by the big government crowds who favor bureaucrats over people, and it is time that we change it. So I think on so many of these programs we do have to take a look and find out how we can make the program better. We should be able to do that without crying foul from either side.

Let me show a Medicare chart. In the balanced budget agreement, the 5-year Medicare spending does go up. This is the balanced budget agreement. Medicare is approximately level. I am sure, Mr. Speaker, we are going to be hearing over and over again that balancing the budget will cut Medicare. Do my colleagues know why we are going to hear that? Because it is easy to hoodwink America's seniors. We have people who only have Medicare and Social Security. It is easy to scare them. It is not fair. It is not right. But we have a lot of people who are willing to do that in the U.S. Congress.

Mr. Speaker, I think again, when it comes to seniors, when it comes to the elderly, we owe them truth, but we also owe them good government. And if we can reform Medicare and keep it from going bankrupt by strengthening it and preserving it and protecting it, not for the next election, but for the next generation, then we have served the elderly well.

I am going to touch base on about one more thing, Mr. Speaker, if I could find my chart; and that is one other program that we need to take a very, very close look at, and that is AmeriCorps. AmeriCorps is the program that, at minimum, changes the definition from volunteer, volunteer meaning somebody who works who does something for free, to being a volunteer as somebody who gets paid from a government bureaucracy.

AmeriCorps is President Clinton's domestic Peace Corps. Now who could argue with that? It sounds great, right? Well, consider this. When the President started AmeriCorps in 1993, he said we are only going to give it seed money; this is not going to become a bureaucracy; this is going to become a lean mean venture capital type outfit.

Well, here we are 3 years later, 4 years later. AmeriCorps is \$400 million a year. AmeriCorps spends \$1.7 million a year on PR, public relations, so that they can get people to write Members of Congress and say keep this important program going. AmeriCorps volunteers costs taxpayers anywhere from \$26,000 to \$31,000 per child per year. And the child is a 16-, 17-, 18-year-old and they get \$1,500. Sometimes they get uniforms. Uniforms cost anywhere from about \$150 to as high as a thousand dollars. It is pure waste.

There was one case in Texas along the border that the program issued a \$2.8 million grant, and the director of

that program received an \$85,000 a year salary. Again, Mr. Speaker, what a volunteer. They have cars. They have expense accounts. They go out for lunch on the taxpayers. It is absolutely ridiculous. So Congress says, let us audit AmeriCorps. We cannot do it. The books are too messed up. There are too many different disjointed records. It is in shambles. And AmeriCorps could not be audited.

It is time, Mr. Speaker, that we tell the truth that, look, this program is not working. I have one other story. A friend of mine is volunteering for Habitat for Humanity, and he is a good friend of mine. He does lots of volunteer work for churches, for other churches, for other causes. He is volunteering for Habitat for Humanity, as he always has. And AmeriCorps sends their crew out there, their paid volunteers, to go work side-by-side with the regular, the real volunteers. And he says half the kids are over there listening to the radio talking back and forth, smoking cigarettes, goofing off and playing. And here we have got part-time volunteers, executives that make \$200,000 or \$300,000 a year. And they are working their tail off. And over here sitting on the floor is a 17-year-old getting paid and he will not even work while he is getting paid.

That is a horrible message because what my friend told me, the Habitat for Humanity real volunteer, he said: I have about had it, and I am not going to go out there and work my tail off while some kid is getting paid for it. He refuses to.

That is the type of program that we have to deal with, Mr. Speaker, and we ought to be able to say: You know, America, we cannot afford to do everything for everybody all the time as we have been doing. It is time to balance the budget.

I close with this, definition of a trillion. We are \$5 trillion in debt. If we pulled \$65 million in train cars, \$65 million per boxcar, how long would the train have to be to have \$1 trillion in it? It would have to be 240 miles long.

Mr. Speaker, we have got a debt right now of over \$5 trillion. It is time to balance the budget and do something for America's children, America's family, and America's future.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLAKE (at the request of Mr. GEPHARDT) for today, on account of personal business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. ROEMER, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and to include extraneous material:)

Mr. FORBES, for 5 minutes, today.

Mr. KNOLLENBERG, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. SANCHEZ, for 5 minutes, today.

Mr. NEUMANN, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. TIERNEY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. REYES, for 5 minutes, today.

Mr. CONDIT, for 5 minutes, today.

Mr. GOODE, for 5 minutes, today.

Mr. TURNER, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

Mr. BOYD, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. BUYER) to revise and extend their remarks and to include extraneous material:)

Mr. SNOWBARGER, for 5 minutes, on May 16.

Mr. FOLEY, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, on May 15.

Mr. CUNNINGHAM, for 5 minutes, today and May 15.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GOODLATTE, for 5 minutes, today.

Ms. GRANGER, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUYER) and to include extraneous matter:)

Mr. WAMP.

Mr. OXLEY.

Mr. SOLOMON.

Mr. BUNNING.

Mr. BLUNT.

Mr. FAWELL.

Mr. GOODLING.

Mr. LAZIO of New York.

Mr. BALLENGER.

(The following Members (at the request of Mr. TIERNEY) and to include extraneous matter:)

Mr. FROST.  
Mr. CAPPS.  
Mr. SCHUMER.  
Ms. STABENOW.  
Mr. KUCINICH.  
Mr. HAMILTON.  
Ms. WOOLSEY.  
Mr. VISCLOSKEY.  
Mr. PAYNE.  
Mr. BERMAN.  
Mr. LANTOS.  
Mr. STARK.  
Mr. BORSKI.  
Mr. KLECZKA.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. CHRISTENSEN.  
Mr. HILLEARY.  
Mr. FOGLIETTA in two instances.  
Mr. UNDERWOOD.  
Mr. SHERMAN.  
Mr. PALLONE.  
Mr. KILDEE.  
Mr. BOB SCHAFFER of Colorado.  
Mr. CLAY.  
Mrs. MALONEY of New York.

#### ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, May 15, 1997, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the speaker's table and referred as follows:

3281. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Housing Preservation Grant Program (Rural Housing Service) [Workplan Number 93-015] (RIN: 0575-AB43) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3282. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection Child Restraint Systems (National Highway Traffic Safety Administration) [Docket No. 74-14; Notice 116] (RIN: 2127-AG14) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3283. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Expansion of Short-Form Registration to Include Companies with Non-Voting Common Equity [Release Nos. 33-7419 and 34-38581; File No. S7-23-96] (RIN: 3235-AG82) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3284. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-150-AD; Amdt. 39-10010; AD 97-09-14] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3285. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-52-AD; Amdt. 39-10009; AD 97-09-13] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3286. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-141-AD; Amdt. 39-10007; AD 97-09-11] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3287. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model DH 125-1A, -3A, and -400A Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-190-AD; Amdt. 39-10008; AD 97-09-12] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3288. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-66-AD; Amdt. 39-10012; AD 97-08-51] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3289. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model BAe ATP Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-100-AD; Amdt. 39-10006; AD 97-09-10] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3290. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-278-AD; Amdt. 39-10003; AD 97-09-07] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3291. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-151-AD; Amdt. 39-10011; AD 97-09-15] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3292. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland DHC-6 Series Airplanes (Federal Aviation Administration) [Docket No. 93-CE-45-AD; Amdt. 39-10016; AD 97-07-10 R1] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3293. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company (formerly Beech Aircraft Corporation) Models 58P and 58PA Airplanes (Federal Aviation Administration) [Docket No. 95-CE-89-AD; Amdt. 39-10005; AD 97-09-09] (RIN: 2120-AA64)

received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3294. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-67-AD; Amdt. 39-10014; AD 97-10-02] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3295. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-188-AD; Amdt. 39-10015; AD 97-10-03] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3296. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A310 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-60-AD; Amdt. 39-10013; AD 97-10-01] (RIN: 2120-AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3297. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Little Rock AFB, AR (Federal Aviation Administration) [Airspace Docket No. 97-ASW-02] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3298. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Dallas Addison Airport, TX (Federal Aviation Administration) [Airspace Docket No. 96-ASW-34] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3299. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Victorville, CA (Federal Aviation Administration) [Airspace Docket No. 95-AWP-26] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3300. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Sacramento, CA (Federal Aviation Administration) [Airspace Docket No. 97-AWP-14] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3301. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; DeQueen, AR (Federal Aviation Administration) [Airspace Docket No. 96-ASW-37] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3302. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Clarksville, AR (Federal Aviation Administration) [Airspace Docket No. 96-ASW-43] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3303. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of

Class E Airspace; Olney, TX (Federal Aviation Administration) [Airspace Docket No. 96-ASW-42] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3304. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Paragould, AR (Federal Aviation Administration) [Airspace Docket No. 96-ASW-39] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3305. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Reserve, LA (Federal Aviation Administration) [Airspace Docket No. 96-ASW-38] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3306. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Killeen, TX (Federal Aviation Administration) [Airspace Docket No. 96-ASW-35] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3307. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Weslaco, TX (Federal Aviation Administration) [Airspace Docket No. 96-ASW-36] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3308. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Goffs, CA (Federal Aviation Administration) [Airspace Docket No. 97-AWA-7] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3309. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Donora, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-009] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3310. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Friendly, MD (Federal Aviation Administration) [Airspace Docket No. 97-AEA-15] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3311. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kittanning, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-011] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3312. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Mount Oliver, PA (Federal Aviation Administration) [Airspace Docket No. 97-AWA-008] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3313. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Grants, NM (Federal

Aviation Administration) [Airspace Docket No. 96-ASW-41] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3314. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Nashua, NH, Newport, RI, Mansfield, MA, Providence, RI, and Taunton, MA (Federal Aviation Administration) [Airspace Docket No. 97-ANE-11] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3315. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; New Haven, CT (Federal Aviation Administration) [Airspace Docket No. 97-ANE-02] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3316. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28898; Amdt. No. 1795] (RIN: 2120-AA65) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3317. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28897; Amdt. No. 1794] (RIN: 2120-AA65) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3318. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28908; Amdt. No. 1798] (RIN: 2120-AA65) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3319. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28907; Amdt. No. 1797] (RIN: 2120-AA65) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3320. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Restricted Area 2311 (R-2311), Yuma Proving Ground, AZ (Federal Aviation Administration) [Airspace Docket No. 94-AWP-15] (RIN: 2120-AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3321. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Excerpts From U.S. Coast Guard Regulations and Policies related to the Edible Oil Regulatory Reform Act (P.L. 104-55)," pursuant to Public Law 104-134, section 1130(b) (110 Stat. 3985); to the Committee on Transportation and Infrastructure.

3322. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and BONDS [Department of the Treasury Circular, Public Debt Series No. 1-93] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3323. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting a draft of

proposed legislation to reauthorize the Office of National Drug Control Policy, pursuant to 31 U.S.C. 1110; jointly to the Committees on Government Reform and Oversight, the Judiciary, and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 149. Resolution providing for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for fiscal year ending September 30, 1997, and for other purposes (Rept. 105-97). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON (for himself and Mr. CONYERS):

H.R. 1590. A bill to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as the Chemical Weapons Convention and opened for signature and signed by the United States on January 13, 1993; to the Committee on International Relations and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. CONDIT, Mr. ROHRBACHER, Mr. HERGER, Mr. MCINTOSH, Mr. GEKAS, Mrs. CHENOWETH, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mrs. EMERSON, Mr. DEAL of Georgia, Mr. GOODLATTE, Mr. NORWOOD, Mr. CUNNINGHAM, Mr. GALLEGLY, Mr. BOB SCHAFFER, Mr. LEWIS of Kentucky, Mr. PARKER, Mr. PITTS, Mr. THORNBERRY, and Mr. BLUNT):

H.R. 1591. A bill to ensure congressional approval of the amount of compliance costs imposed on the private sector by regulations issued under new or reauthorized Federal laws; to the Committee on Government Reform and Oversight, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the Committee concerned.

By Mr. BALLENGER (for himself, Mr. LEVIN, Mr. ROHRBACHER, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mrs. THURMAN, and Mr. RAMSTAD):

H.R. 1592. A bill to amend the Internal Revenue Code of 1986 and Employment Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Ways and Means.

By Mr. CHRISTENSEN (for himself and Mr. CRAMER):

H.R. 1593. A bill to amend the Internal Revenue Code of 1986 to provide that the look-back method shall not apply to construction contracts required to use the percentage of completion method; to the Committee on Ways and Means.



By Mr. COSTELLO:

H.R. 1594. A bill to require employers to notify workers before health care benefits or retirement benefits are terminated; to the Committee on Education and the Workforce.

By Mr. FAWELL:

H.R. 1595. A bill to amend the National Labor Relations Act to determine the appropriateness of certain bargaining units in the absence of a stipulation or consent; to the Committee on Education and the Workforce.

By Mr. GEKAS (for himself, Mr. HYDE, Mr. CONYERS, and Mr. NADLER):

H.R. 1596. A bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself, Mr. SOLOMON, Mr. LIVINGSTON, Mr. ENGLISH of Pennsylvania, Mr. WATTS of Oklahoma, Mr. KING of New York, Mr. CANADY of Florida, Mr. SHAYS, Mr. QUINN, Mr. MCHUGH, Mr. MANZULLO, Mr. DOOLITTLE, Mr. GREENWOOD, Mr. NORWOOD, Mrs. KELLY, Ms. GRANGER, Mr. UNDERWOOD, Ms. NORTON, Mr. EHLERS, Mr. KNOLLENBERG, Mr. FALEOMAVAEGA, Mr. BEREUTER, Mr. KLUG, Mr. SKEEN, Mr. SENSENBRENNER, Mr. GRAHAM, Mr. BOB SCHAFER, and Mr. BILIRAKIS):

H.R. 1597. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 1598. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to resolve unfair labor practice complaints in a timely manner; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ (for himself and Mr. JACKSON):

H.R. 1599. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to provide the descendants of female U.S. citizens born abroad before May 24, 1934, with the same rights to U.S. citizenship at birth as the descendants of male citizens born abroad before such date; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 1600. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such act between July 1, 1973, and April 1, 1980; to the Committee on Education and the Workforce.

H.R. 1601. A bill to amend title 32, United States Code, to provide that performance of honor guard functions at funerals for veterans by members of the National Guard may be recognized as a Federal function for National Guard purposes; to the Committee on National Security.

H.R. 1602. A bill to restore the grave marker allowance for veterans; to the Committee on Veterans' Affairs.

H.R. 1603. A bill to amend the Social Security Act to provide, in the case of any person who is a party in interest with respect to an employee benefit plan, that information requested from the Secretary of Health and Human Services to assist such person with respect to the administration of such plan shall be provided at least once without charge; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. HAYWORTH, and Mr. KENNEDY of Rhode Island):

H.R. 1604. A bill to provide for the division, use, and distribution of judgment funds of

the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18-E, 58, 364, and 18-R before the Indian Claims Commission; to the Committee on Resources.

By Mr. KLECZKA:

H.R. 1605. A bill prohibiting the manufacture, sale, delivery, or importation of school buses that do not have seat belts; to the Committee on Commerce.

By Mr. LAHOOD:

H.R. 1606. A bill to suspend temporarily the duty on carbamic acid (U-9069); to the Committee on Ways and Means.

H.R. 1607. A bill to suspend temporarily the duty on rimsulfuron; to the Committee on Ways and Means.

By Mr. LATOURETTE:

H.R. 1608. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have died in foreign conflicts other than declared wars; to the Committee on Resources.

By Ms. MOLINARI (for herself, Mr.

WELLER, Mr. GEJDENSON, Mr. SOLOMON, Mr. MOAKLEY, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. BORSKI, Mr. CASTLE, Mr. MCGOVERN, Mr. SHAYS, Mr. PAXON, Mr. BOEH-LERT, Mr. QUINN, Mr. NADLER, Mr. KING of New York, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. FRANK of Massachusetts, Mrs. KENNELLY of Connecticut, Mr. MCHUGH, Mr. MARKEY, Mr. ENGEL, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. MEEHAN, Mr. MANTON, Mrs. LOWEY, Mr. FORBES, Mrs. MCCARTHY of New York, Mr. WALSH, Mr. FLAKE, Mr. LAZIO of New York, Ms. DELAULO, Mr. GILMAN, Mr. RANGEL, Mr. HINCHEY, Mr. SCHUMER, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. TOWNS, Mr. OWENS, Ms. SLAUGHTER, and Mrs. MALONEY of New York):

H.R. 1609. A bill to reauthorize the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAXON (for himself, Mr. ENGEL, Mr. HOUGHTON, Ms. MOLINARI, Mr. TOWNS, Mr. MANTON, Mrs. KELLY, Mr. KING of New York, Mr. LAZIO of New York, Mr. GILMAN, Mr. SCHUMER, and Mr. WALSH):

H.R. 1610. A bill to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations; to the Committee on Commerce.

By Mr. PETRI:

H.R. 1611. A bill to provide for the establishment and maintenance of personal Social Security investment accounts under the Social Security system; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS (for himself, Mr. CAPPS, Mr. FAZIO of California, Mr. HOUGHTON, Mr. BONO, Mr. ENGLISH of Pennsylvania, Mr. COX of California, Mr. POMBO, Mr. CALVERT, Ms. SANCHEZ, and Mr. TORRES):

H.R. 1612. A bill to amend the Internal Revenue Code of 1986 to reduce the taxes on wine to their pre-1991 rates; to the Committee on Ways and Means.

By Mr. RIGGS (for himself, Mr. DICK-  
EY, Mr. GOSS, Mr. ENSIGN, Mr.

BALDACCI, Mr. RAMSTAD, Mr. SHAYS, Mr. HAYWORTH, Mrs. KELLY, Mr. COBURN, Mr. CHRISTENSEN, Mr. BARRETT of Nebraska, Mr. BEREUTER, Mr. GREENWOOD, Mr. CAMP, Mr. MCCOLLUM, Ms. RIVERS, Mr. LOBIONDO, Mrs. MYRICK, Mr. GANSKE, Mr. DEAL of Georgia, Mr. COLLINS, Mr. PORTER, Mr. MCKEON, Mr. WELDON of Florida, Mr. FOX of Pennsylvania, Mr. KOLBE, Mr. MINGE, Mr. BARRETT of Wisconsin, Mr. WATTS of Oklahoma, Mr. MCHALE, Mr. POMEROY, Mr. BLILEY, Mr. METCALF, Mr. CANADY of Florida, Mr. MILLER of Florida, Mr. SOUDER, Mr. BUYER, Mr. JONES, Mr. HORN, Ms. LOFGREN, Mr. ENGLISH of Pennsylvania, Mr. WATKINS, Mr. HOEKSTRA, Mr. DAVIS of Virginia, Mr. COBLE, Mr. SCARBOROUGH, Mr. SENSENBRENNER, and Mr. LUCAS of Oklahoma):

H.R. 1613. A bill to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits based on that individual's service as a Member, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITE (for himself, Mrs.

MALONEY of New York, Mr. FRANKS of New Jersey, Mr. DINGELL, Mr. HORN, Mr. ANDREWS, Mr. BARCIA of Michigan, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Mr. BLUMENAUER, Mr. BROWN of California, Mr. CASTLE, Mr. CONYERS, Mr. DELLUMS, Mr. DIXON, Mr. DOOLITTLE, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Ms. ESHOO, Mr. FATTAH, Mr. FRELINGHUYSEN, Mr. GILCHREST, Mr. GONZALEZ, Mr. GREENWOOD, Mr. HAMILTON, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOUGHTON, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KLECZKA, Mr. KLINK, Mr. KUCINICH, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCHALE, Mr. METCALF, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mr. MINGE, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. NADLER, Mr. OWENS, Mr. PETRI, Mr. POSHARD, Mr. RAHALL, Mr. RAMSTAD, Ms. RIVERS, Mr. SAWYER, Mr. SMITH of Michigan, Mr. STRICKLAND, Mr. STUPAK, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. TORRES, Mr. WISE, and Ms. WOOLSEY):

H.R. 1614. A bill to establish the Independent Commission on Campaign Finance Reform to recommend reforms in the laws relating to the financing of political activity; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself and Ms. NORTON):

H.R. 1615. A bill to prohibit a State from penalizing a single custodial parent of a child under age 11 for failing to meet work requirements under the State program funded under part A of title IV of the Social Security Act if the parent cannot find suitable child care; to the Committee on Ways and Means.

H.R. 1616. A bill to make satisfactory progress toward completion of high school or a college program a permissible work activity under the program of block grants to



States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. MCDADE (for himself and Mr. SAXTON):

H. Con. Res. 79. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to mark the 85th anniversary of the dedication of the Tunkhannock Creek Viaduct, now known as the Nicholson Viaduct, in Nicholson, PA; to the Committee on Government Reform and Oversight.

By Mr. FAZIO of California:

H. Res. 148. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

84. The SPEAKER presented a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2003 urging Congress and the President of the United States to oppose the rules proposed by the Bureau of Land Management to expand its criminal law enforcement authority; to the Committee on Resources.

85. Also, a memorial of the Legislature of the State of Maine, relative to a joint resolution memorializing the President of the United States and the Congress of the United States to provide support for critical highway improvements through northern Maine from Houlton to Fort Kent; to the Committee on Transportation and Infrastructure.

86. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Resolution 415 petitioning the U.S. Congress to repeal estate and gift tax laws; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KANJORSKI (by request):

H.R. 1617. A bill for the relief of Charmaine Bieda; to the Committee on the Judiciary.

By Mr. MEEHAN:

H.R. 1618. A bill to authorize the Secretary of Transportation to issue a certification of documentation with appropriate endorsement for employment in the fisheries for the vessel *Nawnsense*; to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. CALLAHAN and Mr. CALVERT.  
H.R. 15: Mr. WEYGAND, Mr. HOEKSTRA, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. HILLIARD, and Mr. MORAN of Kansas.  
H.R. 27: Mr. FOX of Pennsylvania.  
H.R. 40: Mr. DAVIS of Illinois.  
H.R. 108: Mr. THOMAS.  
H.R. 127: Mr. FLAKE, Mr. FARR of California, and Mr. BAESLER.

H.R. 143: Mr. DOOLITTLE, Mr. GILMAN, Mr. BOUCHER, Mr. PAUL, Mr. WEXLER, Mr. BARTON of Texas, Mr. BONO, Mr. ROGAN, Mrs. TAUSCHER, Mr. DELAHUNT, and Mr. COX of California.

H.R. 192: Mr. BOB SCHAFFER, Mr. DIXON, Mr. SHIMKUS, and Mr. HORN.

H.R. 216: Mr. KLUG.

H.R. 234: Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, and Mr. ENGEL.

H.R. 305: Mr. ENGEL and Mr. PITTS.

H.R. 347: Mr. CALVERT.

H.R. 367: Mr. WAMP.

H.R. 399: Mr. STUMP.

H.R. 402: Mr. FALCOMA-VAEGA.

H.R. 409: Mr. MASCARA, Mr. PASCRELL, Mr. FILNER, Mr. HORN, Mr. GUTIERREZ, and Mr. BARCIA of Michigan.

H.R. 414: Mr. BOB SCHAFFER, Mr. DIXON, Mr. GALLEGLY, Mr. SHIMKUS, and Mr. HORN.

H.R. 418: Mr. FARR of California and Mr. BALDACC.

H.R. 475: Mr. PICKETT, Mr. COMBEST, and Mr. RADANOVICH.

H.R. 483: Mr. CLAY.

H.R. 519: Mr. TALENT.

H.R. 529: Mr. FRANK of Massachusetts, Mr. ENGLISH of Pennsylvania, Mr. BAKER, Mrs. NORTHUP, Mr. BURTON of Indiana, Mr. MCCOLLUM, Mr. BARRETT of Nebraska, Mr. DREIER, and Mr. SHIMKUS.

H.R. 530: Ms. DANNER.

H.R. 536: Mr. FRELINGHUYSEN.

H.R. 674: Mr. GRAHAM, Mr. STUMP, and Mr. PACKARD.

H.R. 741: Mrs. CHENOWETH, Mr. WALSH, and Mr. CRAPO.

H.R. 768: Mr. JOHNSON of Connecticut and Mrs. EMERSON.

H.R. 820: Mr. FILNER.

H.R. 836: Mr. SANCHEZ, Mr. DEFazio, Mr. WYNN, and Mr. BERMAN.

H.R. 859: Mr. BEREUTER, Ms. DANNER, and Mr. DUNCAN.

H.R. 871: Mr. HOYER.

H.R. 872: Mr. BARTON of Texas, Mr. BOUCHER, Mr. DOOLEY of California, Mr. FALCOMA-VAEGA, Mr. GANSKE, Mr. GOODE, Mr. KIM, Mr. LARGENT, Mr. MINGE, Mr. PASCRELL, and Mr. SPRATT.

H.R. 910: Mr. WOLF.

H.R. 921: Mr. STUPAK, Mr. LIPINSKI, Mr. BONIOR, Mr. KLINK, and Mr. RAMSTAD.

H.R. 947: Mr. BONO.

H.R. 964: Mr. PITTS.

H.R. 965: Mr. TRAFICANT and Mr. TIAHRT.

H.R. 983: Mr. HINCHEY.

H.R. 991: Mr. HOLDEN.

H.R. 993: Mr. KIM, Mr. SKEEN, and Mr. BLUNT.

H.R. 1004: Mr. WALSH, Mr. BRADY, Mr. GIBBONS, and Mr. PICKERING.

H.R. 1016: Ms. FURSE.

H.R. 1033: Mr. BACHUS.

H.R. 1037: Mr. WELLER.

H.R. 1054: Ms. ESHOO, Mr. STEARNS, Mr. CALVERT, Mr. STARK, Mr. SHERMAN, Mr. GALLEGLY, and Ms. FURSE.

H.R. 1060: Mr. KIM and Mr. BLUMENAUER.

H.R. 1068: Mr. HASTERT, Mr. HAYWORTH, Mr. MANZULLO, and Mr. WELLER.

H.R. 1069: Mr. BALDACC, Mr. FOX of Pennsylvania, and Mr. FILNER.

H.R. 1070: Mr. MANTON, Mr. LEWIS of Georgia, and Mr. BALDACC.

H.R. 1071: Mr. MARTINEZ.

H.R. 1076: Mr. HOYER.

H.R. 1101: Mr. GRAHAM and Mr. PETERSON of Pennsylvania.

H.R. 1104: Mr. DAVIS of Illinois, Mr. BARRETT of Wisconsin, and Ms. CARSON.

H.R. 1118: Mr. ACKERMAN.

H.R. 1134: Mr. HILLIARD and Mr. BISHOP.

H.R. 1164: Mr. CANADY of Florida.

H.R. 1169: Mr. FOX of Pennsylvania, Mr. DEFazio, Mr. PASCRELL, Mr. FARR of California, and Mr. KENNEDY of Massachusetts.

H.R. 1172: Mr. CAMP.

H.R. 1175: Mr. McKEON and Mr. BROWN of California.

H.R. 1206: Mr. LAFALCE.

H.R. 1218: Mr. PASCRELL.

H.R. 1220: Mr. PICKERING.

H.R. 1227: Mr. GRAHAM.

H.R. 1231: Mr. FARR of California, Ms. STABENOW, and Mr. BISHOP.

H.R. 1263: Mr. YATES and Ms. CHRISTIAN-GREEN.

H.R. 1279: Mr. BLILEY and Mr. PICKETT.

H.R. 1280: Mr. BOEHNER and Mr. INGLIS of South Carolina.

H.R. 1285: Ms. RIVERS.

H.R. 1288: Mr. GOODLATTE and Mr. DELUMS.

H.R. 1298: Mr. WEXLER, Mr. BURTON of Indiana, Mr. PAYNE, Mr. PASCRELL, Mr. ENGEL, Mr. MCHALE, Ms. ROS-LEHTINEN, Mr. FILNER, Mr. McNULTY, Mr. HILL, Mr. SHERMAN, Mr. HINCHEY, Mr. BENTSEN, Mr. FROST, Mr. GREEN, and Mrs. MALONEY of New York.

H.R. 1301: Ms. DELAURO, Mr. THOMPSON, and Mr. TORRES.

H.R. 1310: Mr. LEWIS of Kentucky.

H.R. 1320: Mr. FARR of California.

H.R. 1336: Mr. FLAKE and Mr. WALSH.

H.R. 1340: Mr. FRELINGHUYSEN.

H.R. 1350: Mr. MCCOLLUM and Mr. FOLEY.

H.R. 1352: Mr. FILNER, Mr. BALDACC, and Mr. FOX of Pennsylvania.

H.R. 1355: Mr. CLEMENT, Mr. CANADY of Florida, Mr. SHAYS, Ms. CARSON, Mr. RANGEL, Ms. LOFGREN, Ms. NORTON, Mr. ACKERMAN, Mr. GONZALEZ, and Mr. TOWNS.

H.R. 1369: Mr. CANADY of Florida.

H.R. 1375: Mr. WATKINS and Mr. SKEEN.

H.R. 1377: Mr. CLAY, Mr. GREENWOOD, Mr. FORD, Mr. OWENS, and Mr. DELLUMS.

H.R. 1379: Mr. GRAHAM.

H.R. 1382: Mr. FROST, Ms. LOFGREN, Mr. MASCARA, Mr. SANDERS, and Mr. McDERMOTT.

H.R. 1416: Mr. DIAZ-BALART, Mr. MEEHAN, Mrs. KELLY, Mr. FROST, Mr. MILLER of California, Ms. LOFGREN, Mr. TIERNEY, Mrs. NORTHUP, and Mr. KENNEDY of Rhode Island.

H.R. 1420: Mr. CLEMENT and Mr. ABERCROMBIE.

H.R. 1458: Mr. BAKER and Mr. SKEEN.

H.R. 1462: Mr. LAFALCE.

H.R. 1475: Mr. KASICH.

H.R. 1496: Ms. MOLINARI.

H.R. 1503: Mr. SKEEN.

H.R. 1504: Mr. JEFFERSON, Mr. YOUNG of Alaska, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, and Mr. MARTINEZ.

H.R. 1509: Mr. CARDIN.

H.R. 1510: Mr. NETHERCUTT, Mr. BEREUTER, Mr. MANZULLO, and Mr. SMITH of Michigan.

H.R. 1515: Mr. GILLMOR, Mr. METCALF, Mr. SHUSTER, Mr. DAVIS of Virginia, Mr. COMBEST, and Mr. SKEEN.

H.R. 1538: Mr. MORAN of Virginia, Mr. COOK, and Mr. STUPAK.

H.R. 1549: Mr. UNDERWOOD.

H.R. 1559: Mr. KINGSTON, Mr. CHAMBLISS, Mr. MANZULLO, Mr. PAUL, Mr. LUCAS of Oklahoma, Mr. ADERHOLT, Mr. CALLAHAN, Mr. NORWOOD, Mr. PICKETT, Mr. POMBO, Mr. WELDON of Pennsylvania, Mr. PAPPAS, Mr. BEREUTER, Mr. DUNCAN, Mr. TIAHRT, Mr. RILEY, Mr. CHABOT, Mr. GEKAS, Mr. GOODLING, Mrs. MYRICK, Mr. SESSIONS, Mr. NEUMANN, and Mr. YOUNG of Alaska.

H.R. 1560: Mr. BARTLETT of Maryland, Mr. HEFLEY, Mr. BUNNING of Kentucky, Mr. BAKER, Mr. SKELTON, and Mr. LIVINGSTON.

H.R. 1572: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FLAKE, Mr. MANTON, and Mr. DELUMS.

H.R. 1580: Mr. SOLOMON and Mrs. KELLY.

H.J. Res. 75: Mr. BARRETT of Nebraska, Mr. LOBIONDO, Mr. SESSIONS, Mr. SMITH of Texas, Mr. ADERHOLT, Mr. PASTOR, Mr. NEAL of Massachusetts, Mr. BILBRAY, Mr. TIAHRT, Mr. MILLER of Florida, Mr. DUNCAN, Mr. KING of New York, Mr. MCDADE, Mr. OXLEY, Mrs. MORELLA, Mr. WHITE, Mr. SPRATT, and Mr. SABO.

H. Con. Res. 65: Mr. ENGEL, Mr. DOOLITTLE, Mr. OLVER, Mr. BAKER, Mr. CUMMINGS, Mr. MCDADE, Mr. GALLEGLY, and Mr. MCINNIS.

H. Con. Res. 75: Mr. HUTCHINSON and Mr. McCRERY.

H. Res. 15: Ms. DELAURO.  
 H. Res. 96: Mr. PORTER, Mr. DELLUMS, Mrs. KENNELLY of Connecticut, Ms. ROYBAL-AL-LARD, Ms. DEGETTE, Mr. FARR of California, Mr. LAFALCE, Mr. CONYERS, and Mr. LEWIS of Georgia.  
 H. Res. 144: Mr. BARTLETT of Maryland, Mr. HEFLEY, Mr. BUNNING of Kentucky, Mr. BAKER, and Mr. SKELTON.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1053: Mr. PALLONE.

#### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1469

OFFERED BY: MR. GOODLING

AMENDMENT No. 16: Page 2, after line 23, insert the following new section:

PROHIBITION OF FUNDS FOR NEW NATIONAL TESTING PROGRAM IN READING AND MATHEMATICS

SEC. 3003. None of the funds made available in this or any other Act for fiscal year 1997 or any prior fiscal year for the Fund for the Improvement of Education under the heading "DEPARTMENT OF EDUCATION—Education Research, Statistics, and Improvement" may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

H.R. 1469

OFFERED BY: MR. GOODLING

AMENDMENT No. 17: Page 2, after line 23, insert the following new section:

PROHIBITION OF FUNDS FOR NATIONAL TESTING PROGRAM IN READING AND MATHEMATICS

SEC. 3003. None of the funds made available in this Act may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

H.R. 1469

OFFERED BY: MR. GOODLING

AMENDMENT No. 18: Page 51, after line 23, insert the following new section:

PROHIBITION OF FUNDS FOR NATIONAL TESTING PROGRAM IN READING AND MATHEMATICS

SEC. 3003. None of the funds made available in this Act may be used to develop, plan, im-

plement, or administer any national testing program in reading or mathematics.

H.R. 1469

OFFERED BY MR. KENNEDY

AMENDMENT No. 19: Page 28, after line 23, insert the following new chapter:

#### CHAPTER 7A

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### NATIONAL INSTITUTES OF HEALTH

#### NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

#### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "National Institute on Alcohol Abuse and Alcoholism", \$2,000,000, to be derived by transfer from the amount provided in this Act for "Federal Emergency Management Agency—Disaster Relief".

H.R. 1469

OFFERED BY MR. LAHOOD

AMENDMENT No. 20: In the item under the heading "CONSERVATION RESERVE PROGRAM" in title I of the bill, strike out "None of the funds" and all that follows through "That the Secretary" and insert "The Secretary of Agriculture".

H.R. 1469

OFFERED BY: MS. NORTON

AMENDMENT No. 21: Page 51, after line 23, insert the following:

SEC. 3003. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

#### "SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

#### "§ 6391. Authority for leave transfer program in disasters and emergencies

"(a) For the purpose of this section—

"(1) 'employee' means an employee as defined in section 6331(a); and

"(2) 'agency' means an Executive agency.

"(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

"(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under sub-

section (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

"(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

"(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

"(f) The Office shall prescribe regulations necessary for the administration of this section."

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

#### "SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"6391. Authority for leave transfer program in disasters and emergencies."

H.R. 1486

OFFERED BY: MR. VENTO

AMENDMENT No. 8: At the end of title XVII insert the following new section:

#### SEC. 1717. REPORTS AND POLICY CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS.

Within 180 days after the date of the enactment of this Act, the Secretary of State shall report to the appropriate congressional committees in the appropriate form on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos. The report shall include:

(1) An investigation, including documentation of independent monitors of individual cases of persecution forwarded to the State Department, of the Lao Government's treatment of Hmong and Laotian refugees who have returned to Laos.

(2) The steps the State Department will take to continue to monitor any systematic human rights violations by the Government of Laos.

(3) The actions which the State Department will take to ensure the cessation of human rights violations.